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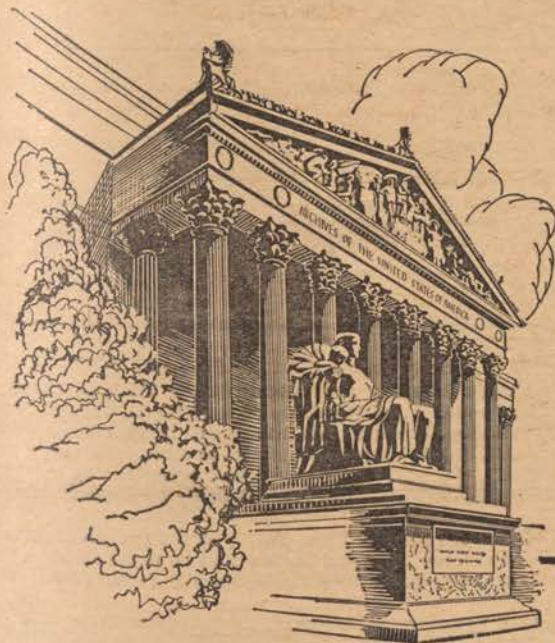
Wednesday, November 6, 1968 • Washington, D.C.

Pages 16267-16322

Agencies in this issue—

Civil Aeronautics Board
Coast Guard
Commodity Credit Corporation
Consumer and Marketing Service
Education Office
Federal Aviation Administration
Federal Communications Commission
Federal Power Commission
Fish and Wildlife Service
Food and Drug Administration
General Services Administration
Interior Department
Internal Revenue Service
Interstate Commerce Commission
Labor Standards Bureau
Post Office Department
Public Health Service
Securities and Exchange Commission
State Department
Veterans Administration

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[Revised as of January 1, 1968]

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List of CFR Parts Affected

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1968, and specifies how they are affected.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Tangerine Reg. 35]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 11, 1968. The Growers Administrative Committee held an open meeting on October 29, 1968, to consider recommendations for a regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the regulation recommended by the committee has been disseminated among shippers of tangerines grown in the production area, and this section, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this section effective on the date hereinafter set forth so as to provide for the regulation of the handling of tangerines grown in the production area at the start of this marketing season; and compliance with this section will not require any

special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

§ 905.510 Tangerine Regulation 35.

(a) Order: (1) During the period beginning November 11, 1968, through July 31, 1969, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(ii) Any tangerines, grown in the production area, which are of a size smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Florida Tangerines.

(2) During any week of the period November 11, 1968, through July 31, 1969, any handler may ship a quantity of tangerines which are smaller than the size prescribed in subparagraph (1) (ii) of this paragraph if (i) the number of standard packed boxes of such smaller tangerines does not exceed 15 percent of the total standard packed boxes of all sizes of tangerines shipped by such handler during the same week; and (ii) such smaller tangerines are of a size not smaller than $2\frac{1}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said U.S. Standards for Tangerines.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; the term "week" shall mean the 7-day period beginning at 12:01 a.m., local time, on Monday of 1 calendar week and ending at 12:01 a.m., local time, on Monday of the following calendar week; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Florida Tangerines (7 CFR 51.1810-51.1834).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 1, 1968.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 68-13442; Filed, Nov. 5, 1968; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate; Correction

In F.R. Doc. 68-8240 appearing at page 9954 in the issue of July 11, 1968, revising § 120.154, the introductory text of the section was inadvertently omitted and is restored as follows:

§ 120.154 O,O-Dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate; tolerances for residues.

Tolerances for residues of the insecticide O,O-dimethyl S-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on raw agricultural commodities are established as follows:

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13429; Filed, Nov. 5, 1968; 8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2277) filed by Wyandotte Chemicals Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of the additional substances identified below in food-packaging adhesives. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c) (5) is amended by alphabetically inserting in the list of substances two new items, as follows:

§ 121.2520 Adhesives.

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances Limitations

α,α' , α'' , α''' -Neopentane
tetrayltetrakis [ω -
hydroxypoly (oxypro-
pylene) (1-2 moles)],
average molecular
weight 400.

Polypropylene glycol (3-4
moles) triether with
2-ethyl-2-(hydroxy-
methyl)-1,3-propane-
diol, average molecular
weight 730.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13430; Filed, Nov. 5, 1968;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

DISODIUM EDTA

The Commissioner of Food and Drugs, having evaluated the data in a petition filed by Arizona Feeds, Post Office Box 3054, Tucson, Ariz. 85702, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of disodium EDTA as a solubilizer for trace minerals in aqueous solutions to be used in animal feeds.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic

Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.271 *Disodium EDTA* is amended by changing the word "ruminant" to "animal" in the introductory text of the section and in paragraph (b).

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13431; Filed, Nov. 5, 1968;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 8B2297) filed by W. R. Grace & Co., Dewey and Almy Chemical Division, 62 Whittemore Avenue, Cambridge, Mass. 02140, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of sodium nitrite as a component of can end cements for containers intended for use in contact with food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2514(b)(3)(xxxi) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2514 Resinous and polymeric coatings.

* * *
(b) * * *
(3) * * *
(xxxi) * * *

Sodium nitrite for use only at levels not to exceed 0.3 percent by weight of the cement solids in can end cements for containers having a capacity of not less than 5 gallons.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13432; Filed, Nov. 5, 1968;
8:47 a.m.]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

ZOALENE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Dow Chemical Co., Post Office Box 512, Midland, Mich. 48640, and other relevant material, concludes that the food additive regulations should be amended with regard to the administration of zoalene medicated feeds to replacement chickens by deleting the restriction that grower rations may not be fed to birds under 5½ weeks of age.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.207 *Zoalene*, paragraph (c), the table, items 3.1 and 3.2 are amended under "Limitations" by deleting the words "under 5½ weeks of age nor".

2. In § 121.253 *Arsanilic acid*, paragraph (c), the table, item 1.6 is amended under "Limitations" by deleting the words "under 5½ weeks of age nor".

Any person who will be adversely affected by the foregoing order may at any

time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1788; 21 U.S.C. 348(c)(1))

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13433; Filed, Nov. 5, 1968;
8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

PART 43—MAINTENANCE, PREVENTATIVE MAINTENANCE, REBUILDING, AND ALTERATION

Correction

In F.R. Doc. 68-13205 published at page 15988 in the issue of Thursday, October 31, 1968, the 10th through 21st lines of § 43.17(a) are corrected to read as follows: "been approved by the Canadian Department of Transport may, in connection with aircraft of U.S. registry in Canada:".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.596]

PART 22—FEES AND CHARGES, FOREIGN SERVICE

Visa Services for Aliens

Part 22, Chapter I, Title 22 of the Code of Federal Regulations, is amended pursuant to the Act of October 21, 1968, to delete the statutory citations in Items 20 and 21 covering immigrant application and visa fees in § 22.1.

1. Item 20 is amended to read as follows:

20. Furnishing and verification of application for immigrant visa, including duplicate copy----- \$5.00

2. Item 21 is amended to read as follows:

21. Issuance of each immigrant visa... \$20.00

Effective date. The amendments to the regulations contained in this order shall become effective October 21, 1968.

The provisions of section 4 of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

IDAR RIMESTAD,
Deputy Under Secretary
for Administration.

OCTOBER 31, 1968.

[F.R. Doc. 68-13441; Filed, Nov. 5, 1968;
8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

MISCELLANEOUS AMENDMENTS

1. Section 3.343 is revised to read as follows:

§ 3.343 Continuance of total disability ratings.

(a) *General.* Total disability ratings, when warranted by the severity of the condition and not granted purely because of hospital, surgical, or home treatment, or individual unemployability will not be reduced, in the absence of clear error, without examination showing material improvement in physical or mental condition. Examination reports showing material improvement must be evaluated in conjunction with all the facts of record, and consideration must be given particularly to whether the veteran attained improvement under the ordinary conditions of life, i.e., while working or actively seeking work or whether the symptoms have been brought under control by prolonged rest, or generally, by following a regimen which precludes work, and, if the latter, reduction from total disability ratings will not be considered pending reexamination after a period of employment (3 to 6 months).

(b) *Tuberculosis; compensation.* In service-connected cases, evaluations for active or inactive tuberculosis will be governed by the Schedule for Rating Disabilities (Part 4 of this chapter). Where in the opinion of the rating board the veteran at the expiration of the period during which a total rating is provided

will not be able to maintain inactivity of the disease process under the ordinary conditions of life, the case will be submitted under § 3.321.

(c) *Individual unemployability.* In reducing a rating of 100 percent service-connected disability based on individual unemployability, the provisions of § 3.105 (e) are for application but caution must be exercised in such a determination that actual employability is established by clear and convincing evidence. When in such a case the veteran is undergoing vocational rehabilitation, education or training, the rating will not be reduced by reason thereof unless there is received evidence of marked improvement or recovery in physical or mental conditions or of employment progress, income earned, and prospects of economic rehabilitation, which demonstrates affirmatively the veteran's capacity to pursue the vocation or occupation for which the training is intended to qualify him, or unless the physical or mental demands of the course are obviously incompatible with total disability.

(d) *Change in Part 4 of this chapter.* Where a service-connected disability evaluated at 100 percent is subject to reduction as a result of a change in Part 4 of this chapter, consideration will be given to the veteran's employment status. If there is unemployability in such cases and the percentage requirements of Part 4 of this chapter are met, rating will continue at the total disability level but on the basis of unemployability.

2. In § 3.350, an introduction immediately preceding paragraph (a) is added and paragraphs (d), (f), (g), and (h) and the introductory portions of paragraphs (a), (b), (c), (e), and (i) preceding subparagraph (1) are amended so that the added and amended material reads as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314 based on wartime service. For disabilities due to peacetime service, the rate is 80 percent of the wartime rate, as provided in 38 U.S.C. 334.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation (\$47 wartime rate) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed \$400 monthly (\$500 monthly effective Jan. 1, 1969) when authorized in conjunction with any of the provisions of 38 U.S.C. 314 (a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss

or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed \$600 per month (\$700 per month effective Jan. 1, 1969). The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r).

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance. The monthly rate is \$400 (\$500 effective Jan. 1, 1969).

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having only light perception; or for blindness in both eyes rendering him so helpless as to be in need of regular aid and attendance. The monthly rate is \$450 (\$550 effective Jan. 1, 1969).

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. The rate is \$525 per month (\$625 effective Jan. 1, 1969). Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less. The monthly rate is \$600 (\$700 effective Jan. 1, 1969).

(f) *Intermediate or next higher rate; 38 U.S.C. 314(p)—(1) Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m);

monthly rate \$425 (\$525 effective Jan. 1, 1969).

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m); rate \$450 (\$550 effective Jan. 1, 1969).

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n); rate \$488 (\$588 effective Jan. 1, 1969).

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m); rate \$425 (\$525 effective Jan. 1, 1969).

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, eversion or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m); rate \$450 (\$550 effective Jan. 1, 1969).

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, eversion or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n); rate \$488 (\$588 effective Jan. 1, 1969).

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, eversion, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314 (n); rate \$525 (\$625 effective Jan. 1, 1969).

(v) Blindness in both eyes rated under 38 U.S.C. 314 (l), (m) or (n), or under the intermediate or next higher rate provisions outlined above, when accompanied by:

(a) Service-connected total deafness in one ear, will afford entitlement to the next higher intermediate rate or if the veteran is already entitled to an intermediate rate to the next higher statutory rate under 38 U.S.C. 314, but not higher than the (o) rate; or

(b) Bilateral deafness rated at no less than 40 percent, and the hearing impairment in one or both ears is service connected, will afford entitlement to the next higher statutory rate under 38 U.S.C. 314 or if the veteran is already entitled to an intermediate rate to the next higher intermediate rate, but in no event higher than the rate for (o).

(3) *Additional independent 50 percent disabilities.* In addition to the statutory rates payable under 38 U.S.C. 314 (l) through (n) and the intermediate or next higher rate provisions outlined above, additional single permanent disability or combinations of permanent

disabilities independently ratable at 50 percent or more will afford entitlement to the next higher intermediate rate or if already entitled to an intermediate rate to the next higher statutory rate under 38 U.S.C. 314, but not above the (o) rate. In the application of this subparagraph the disability or disabilities independently ratable at 50 percent or more must be separate and distinct and involve different anatomical segments or bodily systems from the conditions establishing entitlement under 38 U.S.C. 314 (l) through (n) or the intermediate rate provisions outlined above. The graduated ratings for arrested tuberculosis will not be utilized in this connection, but the permanent residuals of tuberculosis may be utilized.

(4) *Additional independent 100 percent ratings.* In addition to the statutory rates payable under 38 U.S.C. 314 (l) through (n) and the intermediate or next higher rate provisions outlined above additional single permanent disability independently ratable at 100 percent apart from any consideration of individual unemployability will afford entitlement to the next higher statutory rate under 38 U.S.C. 314 or if already entitled to an intermediate rate to the next higher intermediate rate, but in no event higher than the rate for (o). In the application of this subparagraph the single permanent disability independently ratable at 100 percent must be separate and distinct and involve different anatomical segments or bodily systems from the conditions establishing entitlement under 38 U.S.C. 314 (l) through (n) or the intermediate rate provisions outlined above.

(i) Where the multiple loss or loss of use entitlement to a statutory or intermediate rate between 38 U.S.C. 314 (l) and (o) is caused by the same etiological disease or injury, that disease or injury may not serve as the basis for the independent 50 percent or 100 percent unless it is so rated without regard to the loss or loss of use.

(ii) The graduated ratings for arrested tuberculosis will not be utilized in this connection, but the permanent residuals of tuberculosis may be utilized.

(g) *Inactive tuberculosis (complete arrest).* The rating criteria for determining inactivity of tuberculosis are set out in § 3.375.

(1) For a veteran who was receiving or entitled to receive compensation for tuberculosis on August 19, 1968, the minimum monthly rate is \$67. This minimum special monthly compensation is not to be combined with or added to any other disability compensation.

(2) For a veteran who was not receiving or entitled to receive compensation for tuberculosis on August 19, 1968, the special monthly compensation authorized by subparagraph (1) of this paragraph is not payable.

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate (\$600; \$700 effective Jan. 1, 1969) of special monthly compensation under any provision or combination of provisions in 38 U.S.C.

314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he is not hospitalized at U.S. Government expense. (See § 3.552(b) (2) as to continuance following admission for hospitalization.) Rate is \$250 (\$300 effective Jan. 1, 1969). Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum \$600 (\$700 effective Jan. 1, 1969) rate, or was based on an independent factual determination.

(i) *Total plus 60 percent, or housebound*; 38 U.S.C. 314(s). The special monthly compensation at the rate of \$350 (\$450 effective Jan. 1, 1969) provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent under regular schedular evaluation and,

3. Section 3.372 is revised to read as follows:

§ 3.372 Initial grant following inactivity of tuberculosis.

When service connection is granted initially on an original or reopened claim for pulmonary or nonpulmonary tuberculosis and there is satisfactory evidence that the condition was active previously but is now inactive (arrested), it will be presumed that the disease continued to be active for 1 year after the last date of established activity, provided there is no evidence to establish activity or inactivity in the intervening period. For a veteran entitled to receive compensation on August 19, 1968, the beginning date of graduated ratings will commence at the end of the 1-year period. For a veteran who was not receiving or entitled to receive compensation on August 19, 1968, ratings will be assigned in accordance with the Schedule for Rating Disabilities (Part 4 of this chapter). This section is not applicable to running award cases.

§ 3.373 Association of certain diseases with tuberculosis. [Revoked]

4. Section 3.373 is revoked.
5. In § 3.374, paragraphs (a) and (b) are amended to read as follows:

§ 3.374 Effect of diagnosis of active tuberculosis.

(a) *Service diagnosis.* Service department diagnosis of active pulmonary tuberculosis will be accepted unless a board of medical examiners, Clinic Director or Chief, Outpatient Service certifies, after considering all the evidence, including the favoring or opposing tuberculosis and activity, that such diagnosis was incorrect. Doubtful cases may be referred to the Chief Medical Director in Central Office.

(b) *Veterans Administration diagnosis.* Diagnosis of active pulmonary tuberculosis by the medical authorities of the Veterans Administration as the result of examination, observation, or treatment will be accepted for rating purposes. Reference to the Clinic Director or Chief,

Outpatient Service will be in order in questionable cases and, if necessary, to the Chief Medical Director in Central Office.

§ 3.375 Determination of inactivity (complete arrest) in tuberculosis.

(a) *Pulmonary tuberculosis.* (1) A veteran shown to have had active pulmonary tuberculosis will be held to have reached a condition of "complete arrest" when a diagnosis of inactive is made. Noncavitary pulmonary tuberculosis will be considered to be inactive when bacteriologic tests have been negative on serial examinations for 6 months and serial roentgenograms have shown stable or slightly clearing or contracting lesions with no evidence of cavitation for 6 months. Cavitary pulmonary tuberculosis will be considered to be inactive when bacteriologic examinations have been negative on serial examinations for 18 months; the presence of residual cavitation is permitted and slight variations in size of the cavity are permissible.

(2) Following the determination of inactivity (complete arrest) under the criteria in subparagraph (1) of this paragraph, the finding of acid fast bacilli in an occasional specimen of sputum or gastric contents will not of itself establish activity of the disease unless confirmed by typical growth and other identification of *M. Tuberculosis*.

(b) *Nonpulmonary disease.* Determination of complete arrest of nonpulmonary tuberculosis requires absence of evidence of activity for 6 months. If there are two or more foci of such tuberculosis, one of which is active, the condition will not be considered to be inactive until the tuberculous process has reached arrest in its entirety.

(c) *Arrest following surgery.* Where there has been surgical excision of the lesion or organ, the date of complete arrest will be the date of discharge from the hospital, or 6 months from the date of excision, whichever is later.

7. In § 3.552, paragraphs (a) (3), (g), and (h) are amended to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

(3) Additional compensation for dependents under § 3.4(b) (2) is payable during hospitalization in addition to the rates authorized by this section. The rates specified will also be increased by amounts authorized under 38 U.S.C. 314(k) based on independently ratable disability, subject to the statutory ceiling on the total amount of compensation payable (wartime rate \$600; \$700 effective Jan. 1, 1969).

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314 (1), (m), or (n) or their corresponding peacetime equivalent by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of \$600 (\$700 effective Jan. 1, 1969) because of entitlement to another rate un-

der section 314(l) on account of need for aid and attendance his compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be \$450 (\$550 effective Jan. 1, 1969) since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p))

(2) If entitlement is under section 314(m), \$525 (\$625 effective Jan. 1, 1969).

(3) If entitlement is under section 314(n), \$600 (\$700 effective Jan. 1, 1969) would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling him to the maximum rate under 38 U.S.C. 314(p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" his award under 38 U.S.C. 314(m) \$450 (\$550 effective Jan. 1, 1969) will be reduced while hospitalized to the rate payable under 38 U.S.C. 314(l) (\$400; \$500 effective Jan. 1, 1969).

8. Section 3.959 is added to read as follows:

§ 3.959 Tuberculosis.

Any veteran who, on August 19, 1968, was receiving or entitled to receive compensation for active or inactive (arrested) tuberculosis may receive compensation under 38 U.S.C. 314(q) and 356 as in effect before August 20, 1968. (Public Law 90-493; 82 Stat. 809)

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective August 19, 1968.

Approved: October 31, 1968.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 68-13414; Filed, Nov. 5, 1968; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

SUBCHAPTER C—INTERNATIONAL MAIL

APPENDIX—DIRECTORY OF INTERNATIONAL MAIL

In the appendix to Subchapter C—Directory of International Mail, make the following changes under the country item Rumania:

I. Under Postal Union Mail, make the following changes:

A. Amend the first paragraph therein to read as follows:

Classifications, weight limits, and dimensions. See Chart 1 in the front of the appendix and Part 222 of this chapter. Small packets not accepted, unless addressed to hospitals or scientific institutions and containing therapeutic products or apparatus.

B. Amend *Prohibitions* to read as follows:

Prohibitions. Dutiable articles in letter packages, unless sent under registration to hospitals or scientific institutions and containing therapeutic products or apparatus. Perishable biological materials.

II. Under Parcel Post, make the following changes:

A. Under Postal forms required, strike out "(Two Forms 2966 for gift parcels.)".

B. Amend *Observations* to read as follows:

Observations. Gift parcels addressed to individuals are subject to the restrictions given below. The restrictions do not apply to gift parcels sent to hospitals and scientific institutions and containing therapeutic products and apparatus.

Articles in soldered tin cans are prohibited, except for medicaments. Parcels containing medicaments should not contain any other articles. An individual in Rumania may receive gift parcels up to a total weight of 55 pounds per year. The contents are limited to the items shown in the following list, not exceeding the quantities indicated. If a parcel does not comply with the restrictions, customs duty is collected at double rates.

LIST OF COMMODITIES ADMITTED TO RUMANIA IN GIFT PARCELS ADDRESSED TO INDIVIDUALS

Item No.	Types of articles	Maximum quantity
1	Underwear for adults	2 articles each kind
2	Underwear for children	3 articles each kind
3	Scarfs, babushkas	3 each
4	Neckkerchiefs	3
5	Turkish towels	6
6	Handkerchiefs	12
7	Neckties	6
8	Raincoats	1, or material for 1
9	Blouses	3, or material for 3
10	Dresses	3, or material for 3
11	Ladies' suits	1, or material for 1
12	Men's suits	1, or material for 1
13	Overcoats	1, or material for 1
14	Topcoats	1, or material for 1
15	Clothing for children	3 articles
16	Clothing of leather or fur	1 article
17	Decorating materials, draperies, curtains, upholstery fabrics	11 yards
18	Caps, berets	2
19	Pullovers, sweaters	2
20	Fur-lined hats	1
21	Jerseys, jackets	2
22	Gloves	2 pairs
23	Ladies' hosiery, silk or nylon	6 pairs
24	Men's hosiery	6 pairs
25	Children's hosiery	6 pairs
26	Tablecloths	1
27	Silk, nylon or similar fabrics	3 1/2 yards
28	Blankets, shawls	1
29	Carpets, rugs	1
30	Table napkins	6
31	Bed sheets	2
32	Pillow cases	3
33	Material for 1 pair of shoes or boots:	
	Shoes for men	2 lbs. 3 oz. of soles and 14 oz. of leather
	Shoes for ladies	1 lb. 8 oz. of soles and 14 oz. of leather
	Boots	Double the above
34	Knitting wool	1 lb.
35	Sewing thread	3 1/2 oz.
36	Articles of haberdashery:	
	Snap, hooks, buttons, etc.	2 dozen
	Buckles, fasteners, darning needles	2
	Ribbon, lace, cords	3 1/2 oz. of each
37	Toilet articles:	
	Toilet water	17 fl. oz.
	Perfumes	1.7 fl. oz.
	Toothbrushes	3
	Shaving brushes	1
	Combs	3
	Lipsticks	3
	Rouge	2
	Face cream	2 articles

LIST OF COMMODITIES ADMITTED TO RUMANIA IN GIFT PARCELS ADDRESSED TO INDIVIDUALS—Con.

Item No.	Types of articles	Maximum quantity
	Toilet soap	6 articles
	Shaving soap	6 articles
	Razors	1
	Safety razors	1
	Blade sharpeners	1
	Hair clippers	1
	Scissors	1
	Manicure sets	1
	Razor blades	50
	Hair dyes, massagers, etc.	1
	Hair dyes, lotions, oils, etc.	1 lb.
	Curlers, hairpins	2 dozen
38	Articles for personal use:	
	Eyeglasses	1 pair
	Eyeglass lenses	1 pair
	Other medical articles for household use	1
	Automatic pencils	6
	Fountain pens	1
	Watches	1
	Precious jewelry	1 article (1 oz.)
	Imitation jewelry and other ornaments	3 articles
39	Leather goods:	
	Wallets	1
	Handbags	1
	Briefcases	1
	Purses	1
	Pencil cases	1
	Eyeglass cases	1
	Valises, suitcases	1
	Watch bands	3
	Straps, belts	3
40	Musical instruments	1
41	Disk records	1
42	Recording tapes	5
43	Household medical appliances:	
	Hearing aids	1
	Batteries for hearing aids	1 dozen
	Rechargers for hearing aid batteries	1
	Orthopedic corsets	1
	Elastic stockings	1
	Hernia supports	1
	Various prosthetic devices	1
	Thermometers	1
	Syringes with needles	1
	Heating pads	1
	Medical bags	1
	Artificial teeth	1 set
	Dental cement, solution and wax	3 1/2 oz.
	Alloys for dentures	1 1/2 oz.
	Surgical belts	1
44	Various articles for sport	1
45	Various articles for fishing	1
46	Slide rules	1
47	Compass sets	1
48	Water colors	1 box
49	Artists' brushes	6
50	Articles for school, office or personal use:	
	Sewing machine needles	6
	Knitting machine needles	5
	Knitting needles	2
	Safety pins	1 dozen
55	Food, nonperishable and not in hermetically sealed containers:	
	Candy	4 lbs. 6 oz.
	Coffee	2 lbs. 3 oz.
	Cocoa	17 1/2 oz.
	Condiments	8 1/2 oz.
	Biscuits, cakes	4 lbs. 6 oz.
	Chocolate	2 lbs. 3 oz.
	Dried fruit	4 lbs. 6 oz.
	Italian food pastes	4 lbs. 6 oz.
	Other foodstuffs	Normal amounts
56	Optical appliances and instruments (microscopes, binoculars, magnifying glasses)	1 of each
57	Umbrellas or parasols	1
58	Varnishes, resinous products, dyes and other chemical products	17 1/2 oz.
59	Smoking accessories of all kinds	1 of each kind
60	Cigarettes	100
61	Various footwear	1 pair
62	Various toys	5 items
63	Bicycles, children's cars	1
64	Tools for workmen or farmers	1
65	Various household articles	1 or 2 articles
66	Bulbs, seeds, cuttings, flowers and plants	14 oz.
67	Biological specimens (stuffed birds and mounted insects for study)	No limit
68	Live bees	20

LIST OF COMMODITIES ADMITTED TO RUMANIA IN GIFT PARCELS ADDRESSED TO INDIVIDUALS—Con.

Item No.	Types of articles	Maximum quantity
69	Household electric appliances	1
70	Vacuum tubes and transistors	1
71	Photographic articles	1
72	Photographic paper, film, chemicals	10 1/2 oz.
73	Replacement parts for vehicles and household appliances	1 item or 1 set

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

[F.R. Doc. 68-13413; Filed, Nov. 5, 1968; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

PART 14-1—GENERAL

PART 14-30—CONTRACT FINANCING

Subpart 14-1.4—Procurement Responsibility and Authority

Subpart 14-30.4—Advance Payments

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 22, Parts 14-1 and 14-30 of Chapter 14, Title 41 of the Code of Federal Regulations are hereby approved as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because these parts are largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and these parts will become effective upon publication in the FEDERAL REGISTER.

HARRY R. ANDERSON,
Acting Secretary of the Interior.

OCTOBER 31, 1968.

Subpart 14-1.4—Procurement Responsibility and Authority

Sec.	Responsibility of the head of the procuring activity.
14-1.401	Authority of contracting officers.
14-1.402	Selection, designation, and termination of designation of contracting officers.
14-1.404	Selection.
14-1.404-1	Designation.
14-1.404-2	Termination of designation.
14-1.404-3	Assignment of duties to contracting officers.
14-1.404-4	Ratification of unauthorized contract awards.
14-1.405	Contracting officer's representatives.
14-1.450-1	Designation.
14-1.450-2	Authority and limitations.
14-1.450-3	Terminations of designations.
14-1.450-4	Distribution and acknowledgments of designations and terminations.

- Sec.
14-1.451 Delegation and redelegation of authority and designation of contracting officers.
14-1.451-1 Delegation of authority.
14-1.451-2 Designation of contracting officer positions.
14-1.451-3 Exercise and termination of authority.
14-1.451-4 Redelegation of authority.
14-1.451-5 Procedures.

AUTHORITY. The provisions of this Part 14-1 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 14-1.4—Procurement Responsibility and Authority

§ 14-1.401 Responsibility of the head of the procuring activity.

Except as may otherwise be specifically prescribed, the head of each procuring activity has full responsibility for the procurement of supplies, services and construction, including all related matters, under the cognizance of his activity.

§ 14-1.402 Authority of contracting officers.

The authority under § 1-1.402 of this chapter shall be exercised in conformity with the delegation and redelegation of authority in § 14-1.451.

§ 14-1.404 Selection, designation, and termination of designation of contracting officers.

The authority under this section shall be exercised in conformity with § 14-1.451.

§ 14-1.404-1 Selection.

In addition to the requirements in § 1-1.404-1 of this chapter the following actions are to be taken before a person is selected as a contracting officer:

(a) Any position description which includes contracting officer functions shall contain a clear statement of the contracting officer duties, responsibilities, authorities and limitations.

(b) An affirmative showing must be made that the person selected as a contracting officer does in fact meet the requirements of the position and has a demonstrated capacity to perform those duties, responsibilities, and functions.

§ 14-1.404-2 Designation.

It is the Department's policy to delegate and to redelegate authority to positions rather than to individuals. The authority under this section shall be exercised in conformity with § 14-1.451.

§ 14-1.404-3 Termination of designation.

The requirements of § 14-1.451 are applicable in addition to those in § 1-1.404-3 of this chapter.

§ 14-1.404-4 Assignment of duties to contracting officers.

The requirements of § 14-1.451 are applicable in addition to those in § 1-1.404-4 of this chapter.

§ 14-1.405 Ratification of unauthorized contract awards.

Otherwise proper contracting and procurement actions taken by contracting officers in excess of their delegated authority may be ratified. Such ratifications shall be accomplished in the same manner as prescribed in § 1-1.405 of this chapter.

§ 14-1.450 Contracting officer's representatives.

§ 14-1.450-1 Designation.

(a) A contracting officer may designate a person to act as his authorized representative to administer a contract, in whole or in part.

(b) The contracting officer shall ensure that the person designated to act as his authorized representative possesses the necessary qualifications and experience.

(c) Generally, a contracting officer's representative shall be designated by name and position title, but when it is not feasible to make the designation in that manner the title only may be used.

(d) Each designation of a contracting officer's representative shall be in writing and shall clearly define the scope and limitations of the authority of the representative. Changes in the scope and limitations of authority may be accomplished either by issuance of a new designation or by an amendment to the existing designation. When the same representative is to act for the contracting officer on more than one contract, a separate designation for each contract or a general designation may be issued.

(e) A designation of a contracting officer's representative shall remain in effect throughout the life of the contract concerned unless revoked sooner by the contracting officer.

§ 14-1.450-2 Authority and limitations.

A contracting officer's representative may act for the contracting officer in administering a contract but shall not be empowered to execute supplemental agreements, make a final decision on any matter which would be subject to appeal under the disputes clause of the contract, or terminate for any cause the contractor's right to proceed.

§ 14-1.450-3 Terminations of designations.

Terminations of designations of contracting officer's representatives shall be made in writing and may not operate retroactively.

§ 14-1.450-4 Distribution and acknowledgments of designations and terminations.

Two copies of each designation or revision thereof or termination of designation shall be furnished to the contractor by the contracting officer. The contractor shall be required to acknowledge receipt on one copy and return it to the contracting officer for retention.

§ 14-1.451 Delegation and redelegation of authority and designation of contracting officers.

§ 14-1.451-1 Delegation of authority.

Except for such limitations as are prescribed elsewhere, the authority of the Secretary with respect to all matters relating to contracting and procurement of supplies, services, and construction, is hereby delegated to the contracting officer positions designated in § 14-1.451-2.

§ 14-1.451-2 Designation of contracting officer positions.

(a) Each of the position titles of the following are designated as contracting officer positions:

(1) Heads of the bureaus and offices listed in § 14-1.006-1.

(b) Heads of bureaus and offices may also designate contracting officer positions.

§ 14-1.451-3 Exercise and termination of authority.

(a) Persons appointed to designated contracting officer positions, or any one designated to act for them in their absence, must exercise their duties and responsibilities in respect thereto in conformity with the authority given. In addition all applicable requirements, statutes, regulations, and executive orders must be complied with. Failure to comply with any of the above requirements may warrant termination of the delegation of authority.

(b) The contracting and procurement authority, delegated or redelegated, may be terminated by the delegator for any reason. The same procedures used in delegating or redelegating the authority shall be followed. No termination of authority shall operate retroactively.

§ 14-1.451-4 Redelegation of authority.

(a) The authority delegated in § 14-1.451-1 may be redelegated to other contracting officer positions in conformity with this section, with such limitations as may be considered appropriate.

(b) In determining the extent to which the authority should be redelegated, the following factors should be considered: volume of contracting and procurement programs; presence or capability of obtaining adequately trained personnel; availability of existing offices where the functions, if transferred, could be better exercised; consolidation of smaller contracting and procurement programs and offices with larger program operations and offices on a geographical basis; and the overall strengthening of the contracting and procurement process by the selection of qualified personnel.

§ 14-1.451-5 Procedures.

All redelegations of authority to contracting officer positions and all designations of contracting officer positions shall be published in the FEDERAL REGISTER and shall become effective on the date published, unless a different date is indicated.

Subpart 14-30.4—Advance Payments

Sec.
14-30.406 Responsibility—delegation of authority.
14-30.406-50 Special approvals.

AUTHORITY: The provisions of this Part 14-30 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 14-30.4—Advance Payments**§ 14-30.406 Responsibility—delegation of authority.**

Proposed contracts (or class of similar contracts) that are to contain provisions for advance payments shall be executed only after the clause pertaining to the advance payment and any other terms or conditions related thereto have been approved. Approval shall be obtained from the Assistant Secretary for Administration after he has determined, based upon written findings as provided in § 1-30.405 of this chapter, that the making of the advance payments is in the public interest. The contracting officer may make the advance payment once the approval has been obtained.

§ 14-30.406-50 Special approvals.

(a) Under contracts with States or similar public bodies for foster home care of Indian children, the Commissioner of Indian Affairs is authorized to make advance payments for periods not in excess of 90 days. The Commissioner is required to make a detailed report to the Assistant Secretary for Administration of such payments at the close of each fiscal year.

(b) Under contracts with State Universities or similar public bodies for surveys of physical resources and the development of studies of social and economic factors affecting Indian tribes, the Commissioner of Indian Affairs is authorized, without specific security, to make advance payments for periods not in excess of 90 days. The Commissioner is required to make a detailed report to the Assistant Secretary for Administration of such payments at the close of each fiscal year.

[F.R. Doc. 68-13399; Filed, Nov. 5, 1968; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter III—International Regulatory Agencies (Fishing and Whaling)

SUBCHAPTER B—INTERNATIONAL WHALING COMMISSION

PART 351—WHALING

Inspection and Catch Quota for Baleen Whales

The Whaling Convention Act of 1949 (64 Stat. 421-425; 16 U.S.C. 916 et seq.),

implements the International Convention for the Regulation of Whaling signed at Washington, December 2, 1946, by the United States of America and certain other Governments. Section 13 of the Act (64 Stat. 425; 16 U.S.C. 916K), provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendment having been brought into effect on October 10, 1968. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C. 553). Accordingly, in fulfillment of the duty imposed upon Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 33 F.R. 2777 are amended as follows:

1. In paragraph (a) of § 351.1 the words "the Antarctic" are deleted.

2. In paragraph (b) of § 351.1 after word "station" at the end of the first sentence add a new sentence reading as follows: "There shall be maintained such observers as the member countries having jurisdiction over land stations may arrange to place at each other's land stations."

3. In paragraph (a) of § 351.8 the figures "1967-68" are changed to read "1968-69."

These amended regulations shall become effective upon the date of publication in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685), and dated November 1, 1968.

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-13411; Filed, Nov. 5, 1968; 8:46 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Subpart H—Grants To Improve the Quality of Training Centers for Allied Health Professions

Subpart I—Grants for Construction of Teaching Facilities for Allied Health Professions Personnel

ADDITION OF "SANITARIAN" AND "SANITARIAN TECHNICIAN" TO LIST OF ELIGIBLE CURRICULUMS

Notice of proposed rulemaking, public rulemaking procedures, and postponement of effective date have been omitted in the issuance of the following amendments to Subpart H—Grants To Improve the Quality of Training Centers for Allied Health Professions, and Subpart I—Grants for Construction of Teaching Facilities for Allied Health Professions Personnel, which relate solely to grants. The purposes of these amendments are to add "Sanitarian" to the lists of curriculums specified in §§ 57.703(a) and 57.803(a) of the Public Health Service regulations, and "Sanitarian Technician" to the lists specified in §§ 57.703(b) and 57.803(b) of such regulations.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Part 57 of Subchapter D of Chapter I of Title 42 is amended as follows:

1. In Subpart H, paragraphs (a) and (b) of § 57.703 are amended by adding "Sanitarian" and "Sanitarian Technician," respectively, to the lists of curriculums as follows:

§ 57.703 Specified curriculums.

(a) Basic and special improvement grant funds authorized under section 792 of the Act may be used to develop and improve curriculums which qualify students for the baccalaureate degree or its equivalent or masters degree to the extent required to meet basic professional requirements for employment as one of the following:

(9) Sanitarian.

(b) Basic and special improvement grant funds authorized under section 792 of the Act may also be used to develop and improve curriculums which qualify

students for the associate degree or its equivalent and for employment as one of the following:

(12) Sanitarian Technician.

2. In Subpart I, paragraphs (a) and (b) of § 57.803 are amended by adding "Sanitarian" and "Sanitarian Technician," respectively, to the lists of curriculum as follows:

§ 57.803 Specified curriculums.

Grant funds authorized under section 791(a) of the Act may be used for the

construction of facilities to provide training in any of the following curriculums:

(a) *Baccalaureate or higher degree.* Curriculums which qualify students for the baccalaureate degree or its equivalent or a higher degree to the extent required to meet the basic professional requirements for employment as one of the following:

(9) Sanitarian.

(b) *Associate degree.* Curriculums which qualify students for the associate degree or its equivalent and for employment as one of the following:

(12) Sanitarian Technician.

(Secs. 215(b), 795 of the Public Health Service Act, as amended; 58 Stat. 690, 80 Stat. 1228-1229; 42 U.S.C. 216(b), 295h-4)

Dated: October 9, 1968.

[SEAL] ROBERT Q. MARSTON,
Director,
National Institutes of Health.

Approved: October 31, 1968.

WILBUR J. COHEN,
Secretary.

[F.R. Doc. 68-13439; Filed, Nov. 5, 1968;
8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 240]

GROUND FISH FISHERIES

Notice of Proposed Rule Making

At its 18th Annual Meeting held in London, England, June 4-8, 1968, the International Commission for the Northwest Atlantic Fisheries recommended that the contracting governments take appropriate action to adopt proposals which have now been ratified by all member nations.

It is proposed to add new species to those that are already under regulation in Subareas 3 and 4. In Subarea 3 these are ocean perch, halibut, grey sole, yellowtail flounder, dab, Greenland halibut, pollock, and white hake. In Subarea 4, grey sole, yellowtail flounder, black back (lemon) sole, and dab are added. This proposed addition of new regulated species is reflected in § 240.1(c) where they are listed; in a new definition of fishing in § 240.1(d); and in § 240.5(a) and § 240.5(b) where certain persons and vessels are exempted when fishing for unregulated species.

Because of the probability that a new U.S. stern trawler may fish in Subareas 1 and 2, the Commission regulations for these two Subareas are proposed to be adopted. These include the regulated species listed in § 240.1(c), legal mesh sizes in § 240.3(a), (1) and (2), and mesh size differentials for various net materials in § 240.3(b), (1) and (2).

In addition it is proposed to change the heading of Part 240 from "Haddock and Cod Fisheries" to "Groundfish Fisheries" to reflect the addition of the new regulated species as well as the overall interest of the International Commission for the Northwest Atlantic Fisheries.

Section 240.3(a) reflects a proposed requirement that the average mesh size of polypropylene nets be no less than 4½ inches when measured wet after use.

The differentials of various trawl net materials as measured with an ICNAF gauge are reflected in § 240.3(d).

It is proposed to remove from the tables in § 240.3(e) various trawl net materials since they are no longer in use.

Two new types of topside chafing gear are proposed to be added in § 240.3(h).

In § 240.5(d) (1) it is proposed to remove the requirement that an application for an annual exemption be accompanied by a certified statement listing weight, species, and catch by month, since such a statement is no longer needed for informational purposes.

It is proposed in § 240.5(d) (6) that the only official report following each delivery or sale of a catch of fish be the form provided by the Bureau of Commercial

Fisheries. Other options previously acceptable are no longer acceptable as they do not provide the necessary information on the amount of regulated species and other fish taken in each Subarea.

The proposed amendments are to be issued under the authority contained in subsection (a) of section 7 of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1069; 16 U.S.C. 986).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Bureau of Commercial Fisheries, Washington, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of the Interior on August 26, 1966 (31 F.R. 11685) and dated October 31, 1968.

RUSSELL T. NORRIS,
Acting Director,
Bureau of Commercial Fisheries.

PART 240—GROUND FISH FISHERIES

Sec.	Meaning of terms.
240.1	Registration certificates.
240.2	Restrictions on fishing gear.
240.3	Temporary suspension of registration certificates.
240.4	Certain persons and vessels exempted.
240.5	

AUTHORITY: The provisions of this Part 240 issued under sec. 7, 64 Stat. 1069; 16 U.S.C. 986.

§ 240.1 Meaning of terms.

When used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

(a) Convention area: The term "Convention area" means and includes all waters, except territorial waters, bounded by a line beginning at a point on the coast of Rhode Island in 71°40' west longitude; thence due south to 39°00' north latitude; thence due east to 42°00' west longitude; thence due north to 50°00' north latitude; thence due west to 44°00' west longitude; thence due north to the coast of Greenland; thence along the west coast of Greenland to 78°10' north latitude; thence southward to a point in 75°00' north latitude and 73°30' west longitude; thence along a rhumb line to a point in 69°00' north latitude and 50°00' west longitude; thence due south to 61°00' north latitude; thence due west to 64°30' west longitude; thence due south to the coast of Labrador; thence in a southerly direction along the coast of Labrador to the southern terminus of its boundary with Quebec; thence in a westerly direction along the coast of Quebec, and in an easterly and southerly direction along the coasts of New Brunswick, Nova Scotia, and Cape

Breton Island, to Cabot Strait; thence along the coasts of Cape Breton Island, Nova Scotia, New Brunswick, Maine, New Hampshire, Massachusetts, and Rhode Island to the point of beginning.

(b) Regulatory area: The term "Regulatory area" means and includes the whole of those portions of the Convention area which are separately described as follows:

(1) Subarea 1. The term "Subarea 1" means that portion of the Convention area, including all waters except territorial waters, which lies to the north and east of a rhumb line from a point in 75°00' north latitude and 73°30' west longitude to a point in 69°00' north latitude and 59°00' west longitude; east of 59°00' west longitude; and to the north and east of a rhumb line from a point in 61°00' north latitude and 59°00' west longitude to a point in 52°15' north latitude and 42°00' west longitude.

(2) Subarea 2. The term "Subarea 2" means that portion of the Convention area, including all waters except territorial waters, lying to the south and west of Subarea 1 as defined in subparagraph (1) of this paragraph, and to the north of the parallel of 52°15' north latitude.

(3) Subarea 3. The term "Subarea 3" means that portion of the Convention area, including all waters except territorial waters, lying south of the parallel of 52°15' north latitude; and to the east of a line extending due north from Cape Bauld on the north coast of Newfoundland to 52°15' north latitude; to the north of the parallel of 39°00' north latitude; and to the east and north of a rhumb line extending in a northwesterly direction which passes through a point in 43°30' north latitude, 55°00' west longitude, in the direction of a point in 47°50' north latitude, 60°00' west longitude, until it intersects a straight line connecting Cape Ray, on the coast of Newfoundland, with Cape North on Cape Breton Island; thence in a northeasterly direction along said line to Cape Ray.

(4) Subarea 4. The term "Subarea 4" means that portion of the Convention area, including all waters except territorial waters, lying to the west of Subarea 3 as described in subparagraph (3) of this paragraph, and to the east of a line described as follows: Beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel, at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly

direction to a point in 42°00' north latitude, 65°40' west longitude; thence due south to the parallel of 39°00' north latitude.

(5) Subarea 5. The term "Subarea 5" means that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66°00' west longitude; thence along a rhumb line in a southeasterly direction to a point in 42°00' north latitude, 65°40' west longitude; thence due south to the parallel of 39°00' north latitude; thence due west to the meridian of 71°40' west longitude; thence due north to a point 3 miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of 3 miles to the point of beginning.

(c) These regulations shall apply to the following species by the Subareas they are included in and wherever in these regulations the term regulated species is used it shall apply to those in this list.

(1) In Subarea 1:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Ocean perch (redfish) (*Sebastes*).
- (iv) Halibut (*Hippoglossus hippoglossus* (L.)).
- (v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
- (vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
- (vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(2) In Subarea 2:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) Ocean perch (redfish) (*Sebastes*).
- (iv) Halibut (*Hippoglossus hippoglossus* (L.)).
- (v) Grey sole (witch) (*Glyptocephalus cynoglossus* (L.)).
- (vi) Dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).
- (vii) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)).

(3) In Subarea 3:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) In aggregate: ocean perch (redfish) (*Sebastes*), except in the statistical Div. 3N, 3O, and 3P halibut (*Hippoglossus hippoglossus* (L.)) grey sole (witch) (*Glyptocephalus cynoglossus* (L.)) yellowtail flounder (*Limanda ferruginea* (Storer)) dab (American plaice) (*Hippoglossoides platessoides* (Fab.)) Greenland halibut (*Reinhardtius hippoglossoides* (Walb.)) pollock (saithe) (*Pollachius virens* (L.)) white hake (*Urophycis tenuis* (Mitch.)).

(4) In Subarea 4:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).
- (iii) In aggregate: Flounders: grey sole (witch) (*Glyptocephalus cynoglossus* (L.)) yellowtail flounder (*Limanda ferruginea* (Storer)) black back or lemon sole (winter flounder) (*Pseudopleuronectes americanus* (Walb.)) dab (American plaice) (*Hippoglossoides platessoides* (Fab.)).

(5) In Subarea 5:

- (i) Cod (*Gadus morhua* (L.)).
- (ii) Haddock (*Melanogrammus aeglefinus* (L.)).

(d) Fishing: The word "fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any species of fish protected under these regulations.

(e) Fishing vessel: The words "fishing vessel" denote every kind, type or description of watercraft subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(f) Trawl net: The words "rawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(g) Cod end: The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 240.2 Registration certificates.

(a) Unless permitted to do so by § 240.5 no person shall engage in fishing for these species of fish mentioned in § 240.1(c) within the Convention area, nor shall any person possess, transport, or deliver by means of any fishing vessel such species taken within such area except under a registration certificate issued and in force in conformity with the provisions of this part.

(b) The owner or operator of a fishing vessel may obtain without charge a registration certificate by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the registration certificate is desired. The form shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Mass., who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates. An application for replacement of an expiring registration certificate shall be made in like manner as the original application not later than ten days prior to the expiration date of the expiring certificate.

(c) The registration certificate issued by the Bureau of Commercial Fisheries shall be carried at all times on board the

vessel for which it is issued and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection for the purposes of this part by officers authorized to enforce the provisions of this part.

§ 240.3 Restrictions on fishing gear.

(a) Minimum mesh sizes.

(1) In Subarea 1, no person shall use or attempt to use from any vessel for which a registration certificate is in force, a trawl net or nets, parts of nets, or netting of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 5½ inches (130 mm.), or a trawl net or nets, parts of nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 5½ inch (130 mm.) manilla trawl net.

(2) In Subareas 2, 3, 4, and 5 no person shall use or attempt to use from any vessel for which a registration certificate is in force a trawl net or nets, parts of nets, or netting of manilla or of the trade named twines under the chemical category of polypropylene having a mesh size as defined in this section, of less than 4½ inches (114 mm.), or a trawl net or nets, or netting of material other than manilla or polypropylene twine unless it shall have a selectivity equivalent to that of a 4½ inch (114 mm.) manilla trawl net. No person shall possess at any time on board a vessel for which a registration certificate is in force a trawl net or nets, parts of nets, or netting having a mesh size less than that specified in this subparagraph.

(b) As used in this section, the term "mesh size" shall mean:

(1) With respect to any part of the net except the cod end, the average of the measurements of any 20 consecutive meshes in any row located at least 10 meshes from the side lacings measured when wet after use.

(2) With respect to the cod end, the average of the measurements of any 50 consecutive meshes running parallel to the long axis of the cod end, beginning at the after end of the cod end, and being at least 10 meshes from the side lacings or, if the cod end is less than 50 meshes in length, the average of the measurements of the meshes in any series of consecutive meshes running the full length of the cod end, parallel to the long axis of the cod end and located at least 10 meshes from the side lacings, such measurements of the cod end to be made when wet after use, or, at the option of the user, a cod end for use in specified subareas, which, has been approved, in accordance with paragraph (e) of this section, by an authorized employee of the Bureau of Commercial Fisheries as having a mesh size when dry before use equivalent to not less than that required by this section for such a cod end when measured wet after use.

(c) All measurements of meshes shall be made by the insertion into the meshes under pressure of not less than 10 nor

more than 15 pounds of a flat wedge shaped gauge having a taper of 2 inches in 8 inches and a thickness of three-thirty-seconds of an inch.

(d) Mesh size differentials to be used in determining the selectivity equivalent of different trawl net materials including both the body of the net and the cod end shall apply as follows:

(1) In Subarea 1 in relation to 5½ inch (130 mm.) mesh size:

(i) Such part of any trawl net as is made of cotton, hemp, polyamide (Nylon) or polyester (Dacron) fibers: 4¾ inches (120 mm.).

(ii) Such part of any trawl net as is made of manila, polypropylene (Ulstron, Courlene, Drumfil) or any other material not mentioned above: 5½ inch (130 mm.).

(2) In Subareas 2, 3, 4, and 5 in relation to 4½ inch (114 mm.) mesh size:

(i) Such part of any trawl net as is made of cotton, hemp, polyamide (Nylon) or polyester (Dacron) fibers 4¾ inch (105 mm.).

(ii) Such part of any trawl net as is made of manila, polypropylene (Ulstron, Courlene, Drumfil) or any other

material not mentioned above: 4½ inch (114 mm.).

(e) For the purpose of approving a dry cod end before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod end shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least 10 meshes from the side lacings, when stretched under a tension of 200 pounds, and dividing the length by the number of meshes in such row: *Provided*, That not more than 10 percent of the meshes in such row shall be more than one-half inch (13 mm.) smaller when measured between knot centers than the average of the row. A cod end so measured which is constructed of one of the twines and is of not less than the average mesh size specified in the table below for such twine may be approved for fishing for the regulated species in Subareas 2, 3, 4, and 5 by any authorized employee of the Bureau of Commercial Fisheries by the attachment to such cod end of an appropriate seal.

Types of twine	Manufacturer's specifications	Average mesh size
Manila, double strand:		
4-ply 45-yard		5.625 inches (5¾").
4-ply 50-yard		5.625 inches (5¾").
4-ply 75-yard		5.625 inches (5¾").
4-ply 80-yard		5.500 inches (5½").
Westerbeke No. 2. Nylon Braid, 100% Nylon Braid.	Linear density, 38.89 yards/lb.	4.6875 inches (4½").
	Picks/inch, 9.0.	
	Carriers, 16.	
	Ends/carrier, 3.	
	Total ends, 48.	
	840 denier/140 filament 2 ply.	
	12.1 T.P.I. of "Z" twist in singles.	
	9.9 T.P.I. of "S" twist in 2 ply.	

(f) The alteration, defacement, or reuse of any seal affixed to a cod end in accordance with this section is prohibited.

(g) The repair, alteration, or other modification of a cod end to which a seal has been affixed in accordance with this section shall invalidate such seal and such cod end shall not thereafter be deemed to be approved for fishing for the regulated species. Nothing contained in this paragraph shall preclude the continued use at the option of the user of a cod end having an invalidated seal affixed thereto if such cod end after repair, alteration, or other modification does not have a mesh size of less than that defined in paragraph (b) of this section for such a cod end when measured wet after use.

(h) The use in fishing for the regulated species within the regulatory area of any device or method which will obstruct the meshes of the trawl net or which otherwise will have the effect of diminishing the size of said meshes is prohibited: *Provided*, That a protective covering of canvas, netting, or other material may be attached to the underside of the cod end only of the net to reduce and prevent damage, and a rectangular piece or pieces of netting may be attached to the upper side of the cod end only of the net to reduce and prevent damage, so long as the netting attached to the upper side of the cod end

conforms to the specifications of either the "ICNAF-type chafer," the "multiple flap-type chafer," or the "Polish-type chafer" as described below. For the purposes of this paragraph, the required mesh size when measured wet after use shall be deemed to be the average of the measurements of 20 consecutive meshes in a series across the netting, such measurements to be made as specified in § 240.3(c). Within the regulatory area, the "ICNAF-type chafer" may be used in any subarea; the "multiple flap-type chafer" and the "Polish-type chafer" may be used in any subarea other than Subarea 5. Specifications of each type of chafer are as follows:

(1) ICNAF (single piece) type chafer.

(i) The width of the netting shall be at least 1½ times the width of the area of the cod end which is covered: Such widths to be measured at right angles to the long axis of the cod end.

(ii) Such netting may be fastened to the cod end of the trawl net only along the forward and lateral edges of the netting and at no other place in the netting.

(iii) On cod ends having a splitting strap, the netting shall be fastened in such a manner that it extends forward of the splitting strap no more than four meshes and ends not less than four meshes in front of the cod line mesh.

(iv) On cod ends not having a splitting strap, the netting shall not extend to more than one-third the length of the cod end measured from not less than four meshes in front of the cod line mesh.

(v) The netting shall not have a mesh size less than that specified in this section for the cod end to which it is attached.

(2) Multiple flap-type chafer.

(i) Each piece of netting shall not exceed 10 meshes in length; each shall be at least the width of the cod end, such width being measured at right angles to the long axis of the cod end at the point of attachment; each shall be fastened by its forward edge only across the cod end at right angles to its long axis.

(ii) The aggregate length of all the pieces of netting shall not exceed two-thirds the length of the cod end.

(iii) The netting shall not have a mesh size less than that specified in this section for the cod end to which it is attached.

(3) Polish-type chafer.

(i) The rectangular piece of netting attached to the upper side of the cod end shall have a mesh size at least twice as large as that specified in this section for the cod end to which it is attached and shall have a width the same as that for the cod end.

(ii) It shall be fastened to the cod end only along the forward, lateral, and rear edges of the netting so that the meshes exactly overlay the meshes of the cod end.

(iii) The netting shall be the same twine material and size as that of the cod end.

§ 240.4 Temporary suspension of registration certificates.

(a) The owner or operator of any fishing vessel which is proposed to be used fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than those indicated in § 240.1(c) may obtain a temporary suspension of the registration certificate issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of the State of Maine or of the State of Massachusetts or by an authorized officer of any one of the following agencies: Bureau of Commercial Fisheries, Coast Guard, Bureau of Customs, Post Office Department. Such officer shall make appropriate endorsement on the certificate evidencing the duration of its suspension.

§ 240.5 Certain persons and vessels exempted.

Except as otherwise provided in this section, nothing contained in §§ 240.2 to 240.4 shall apply to:

(a) Any person or vessel authorized by the Secretary of the Interior to engage in fishing for scientific purposes for those species listed in § 240.1(c).

(b) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

(c) Any person who in the course of fishing in Subareas 3, 4, or 5 and taking fish other than the regulated species takes and possesses a quantity of cod and of haddock, and of the other regulated species in aggregate, not to exceed, which ever is the greater amount: 5,000 lbs. for each or 10 percent by weight for each, of all fish aboard the vessel taken in the subarea where fishing was conducted. The exemption provided in this paragraph shall apply separately in Subareas 3, 4, and 5.

(d) Any person who, while engaged in fishing within Subareas 3, 4, or 5 of the regulatory area, does not take in any period of 12 months the regulated species in quantities in excess of 10 percent by weight for each of cod, haddock, and the aggregate of the other listed species in § 240.1(c), of all the trawl-caught fish taken by such person within such period of 12 months within each subarea. Any such person desiring to avail himself of the exemption provided in this paragraph shall obtain a certificate of exemption and shall comply with the following conditions:

(1) The owner or operator of a fishing vessel proposed to be operated under the exemption authorized in this paragraph may obtain without charge a certificate of exemption by furnishing, on a form to be supplied by the Bureau of Commercial Fisheries, information specifying the name and address of the owner and operator of the vessel and the name, official number and the home port of the vessel. The application form shall be submitted, in duplicate, to the Regional Director, Bureau of Commercial Fisheries, Gloucester, Mass., who shall grant a certificate of exemption valid for a period of 12 months from the date of issue. The certificate shall authorize during this period the use of the vessel, for which issued, in the taking of the regulated species within the regulatory area without regard to the registration requirements and restrictions on fishing gear imposed, respectively, by §§ 240.2 and 240.3 provided:

(i) The vessel and its fishing gear are not used to take the regulated species within Subareas 3, 4, or 5 in quantities in excess of 10 percent by weight for each of cod, haddock, and the aggregate of the other regulated species, of all the trawl-caught fish taken by means of such vessel during the 12-month period covered by the certificate.

(ii) The 10 percent exemption for each of cod, haddock, and the aggregate of the other regulated species shall be computed separately for each subarea by the weight of all fish caught within the same subarea.

(2) Duplicate certificates of exemption shall be issued to replace lost or mutilated certificates.

(3) An application for renewal of an expiring certificate of exemption shall be made in like manner as the original application not later than 15 days prior to

the expiration date of the expiring certificate.

(4) No renewal shall be granted if it is determined by said Regional Director that the vessel for which a renewal is sought was used to take quantities of regulated species in excess of the allowable percentages during the 12-month period covered by the expiring certificate of exemption.

(5) The certificate of exemption issued by the Bureau of Commercial Fisheries shall be carried at all times on board the vessel for which it is issued, and such certificate, the vessel, its gear and equipment, and records pertaining to the catches of fish made by means of such vessel shall at all times be subject to inspection for the purposes of this part by any officer authorized to enforce the provisions of this part.

(6) The owner or operator of a fishing vessel for which a certificate of exemption is in force shall furnish on a form supplied by the Bureau of Commercial Fisheries, immediately following the delivery or sale of a catch of fish made by means of such vessel, a report¹ certified to be correct by the owner or operator, listing separately by species and weight the total quantities of all fish sold or delivered.

(7) The owner or operator of a fishing vessel for which a certificate of exemption is in force, who proposes to use such vessel in fishing primarily for the regulated species during any period of time within the 12-month period covered by the certificate, may obtain a temporary suspension of such certificate in like manner as provided in § 240.4 and may make application to engage in fishing for the regulated species under a registration certificate as provided in § 240.2. Any of the regulated species taken by means of a vessel for which a registration certificate is in force and by means of fishing for the regulated species conducted in conformity with the restrictions on fishing gear prescribed by § 240.3, shall be excluded from the total of all trawl-caught fish taken during the applicable 12-month period when computing the ratio of the regulated species to the trawl-caught fish taken during such periods. For the purposes of computing the quantities of the regulated species so to be excluded, the owner or operator of a fishing vessel covered by a suspended certificate of exemption and taking the regulated species while operating under a registration certificate shall submit catch reports in like manner as provided in subparagraph (6) of this paragraph.

[F.R. Doc. 68-13412; Filed, Nov. 5, 1968; 8:46 a.m.]

¹ 18 U.S.C. 1001 provides that whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

CARBON DIOXIDE, CYCLOPROPANE, ETHYLENE, HELIUM, AND NITROUS OXIDE GASES FOR DRUG USE

Proposed Labeling Exemption

Carbon dioxide, cyclopropane, ethylene, helium, nitrous oxide, and oxygen-compressed gases are unique drugs that differ from most other drugs in the mode of administration, distribution, and use. The Food and Drug Administration Advisory Committee on Respiratory and Anesthetic Drugs was presented the question as to whether the gas containers should be accompanied by labeling containing full information for use of the drug by physicians; namely, the description of the drug, chemistry, actions, animal pharmacology, indications, contraindications, warnings (including use in pregnancy), precautions, adverse reactions, dosage, and administration.

In consideration of this question the Committee recommended that in lieu of the "full disclosure" information, a general warning statement, as set forth below, be affixed to containers of compressed gases intended for use as drugs. (Oxygen will be covered in a future, separate publication.)

Having considered the recommendations of the Committee and other relevant information, the Commissioner of Food and Drugs concludes that the following regulation should be proposed.

Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(f), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(f), 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), it is proposed that a new section be added to Part 3, as follows:

§ 3.----- Labeling exemption for carbon dioxide, cyclopropane, ethylene, helium, and nitrous oxide gases for drug use.

Carbon dioxide, cyclopropane, ethylene, helium, and nitrous oxide gases intended for drug use are exempted from the requirements of § 1.106(b) (2) (ii) and (3) (i) of this chapter provided the labeling bears, in addition to any other information required by the Federal Food, Drug, and Cosmetic Act, the following:

(a) The warning statement "Warning—Administration of (name of gas) may be hazardous or contraindicated. For use only by or under the supervision of a licensed practitioner who is experienced in the use and administration of (name of gas) and is familiar with the indications, effects, dosages, methods, and frequency and duration of administration, and with the hazards, contraindications, and side effects and the precautions to be taken"; and

(b) Any needed directions concerning the conditions for storage and warnings against the inherent dangers in the handling of the specific compressed gas.

Any interested person may, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: October 29, 1968.

HERBERT L. LEY, JR.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-13434; Filed, Nov. 5, 1968;
8:48 a.m.]

DEPARTMENT OF LABOR

Bureau of Labor Standards

[41 CFR Part 50-204]

RADIATION SAFETY AND HEALTH STANDARDS

Application in Arizona

The State of Arizona has recently entered into an agreement with the Atomic Energy Commission (32 F.R. 6103) pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)). This agreement makes that State's program for control of radiation sources effective pursuant to 41 CFR 50-204.320(c)(1) and eligible for a determination pursuant to 41 CFR 50-204.320(c)(2) that such program is currently compatible with the requirements of the Department of Labor's safety and health standards for Federal supply contracts (41 CFR Part 50-204).

This agreement brings into compliance with 41 CFR Part 50-204 any employer in Arizona who possesses or uses source material, by product material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has registered such sources with the State of Arizona or is operating under a license issued by the State of Arizona, and in accordance with the requirements of Arizona's laws and regulations, insofar as his possession and use of such material is concerned, unless the Secretary of Labor after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of 41 CFR Part 50-204. No such determination has been made.

This agreement shall also be deemed to bring in compliance with 41 CFR Part 50-204 any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), insofar as his possession and use of such material is con-

cerned, if he has registered such sources with the State of Arizona or is operating under a license issued by the State of Arizona, and if his operation is entirely in accordance with the requirements of Arizona's laws and regulations, if and when the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of 41 CFR Part 50-204. I hereby propose to make such a determination.

I also propose to add the State of Arizona to the list of States set forth in 41 CFR 50-204.320(c)(1) and (2).

Interested persons may submit written data, views, or argument regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; 5 U.S.C. 556)

Signed at Washington, D.C., this 30th day of October 1968.

WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 68-13440; Filed, Nov. 5, 1968;
8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 68-CE-97]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Yankton, S. Dak.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance

with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of the Yankton, S. Dak., control zone and transition area a new VOR public use instrument approach procedure has been developed for Chan Gurney Municipal Airport, Yankton, S. Dak., and the ADF special instrument approach procedure at this airport has been cancelled. In addition, the criteria for designation of transition areas has been changed. Accordingly, it is necessary to alter the Yankton control zone and transition area to protect aircraft executing the new approach procedure, to delete that airspace now protecting the revoked approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (33 F.R. 2058), the following control zone is amended to read:

YANKTON, S. DAK.

Within a 5-mile radius of Chan Gurney Municipal Airport (latitude 42°54'55" N., longitude 97°23'05" W.); within 2 miles each side of the Yankton VOR 321° radial, extending from the 5-mile radius zone to 8 miles northwest of the VOR; and within 2 miles each side of the Yankton VOR 135° radial, extending from the 5-mile radius zone to 8 miles southeast of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

(2) In § 71.181 (33 F.R. 2137), the following transition area is amended to read:

YANKTON, S. DAK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Chan Gurney Municipal Airport (latitude 42°54'55" N., longitude 97°23'05" W.); and within 5 miles northeast and 8 miles southwest of the Yankton VOR 321° radial, extending from the 8-mile radius area to 12 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the Yankton VOR 135° radial, extending from the VOR to 12 miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 18, 1968.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 68-13402; Filed, Nov. 5, 1968;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-90]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Freeport, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Albertus Airport, Freeport, Ill., utilizing a city-owned radiobeacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Freeport, Ill. The new procedure will become effective concurrently with the designation of the transition area. The Chicago Air Route Traffic Control Center, through the Rockford, Ill., Flight Service Station, will control IFR air traffic into and out of Albertus Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

FREEPORT, ILL.

Within a 6-mile radius of Albertus Airport (latitude 42°15'50" N., longitude 89°34'50" W.); and within 2 miles each side of the 065° bearing from Albertus Airport, extending from the 6-mile radius area to 8 miles northeast of the airport.

This amendment is proposed under the authority of § 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 15, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-13403; Filed, Nov. 5, 1968;
8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 68-CE-94]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Morris, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure has been developed for the Morris, Minnesota Municipal Airport, utilizing a State-owned radio beacon as a navigational aid. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Morris, Minn. The new procedure will become effective concurrently with the designation of the transition area. The Minneapolis Air Route Traffic Control Center, through the Alexandria, Minn., Flight Service Station, will control IFR air traffic into and out of Morris Municipal Airport.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal

Aviation Regulations as hereinafter set forth:

In § 71.181 (33 F.R. 2137), the following transition area is added:

MORRIS, MINN.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 2 miles each side of the 148° bearing from Morris Municipal Airport, extending from the 6-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles southwest and 8 miles northeast of the 148° bearing from Morris Municipal Airport, extending from the airport to 12 miles southeast of the airport.

This amendment is proposed under the authority of § 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on October 14, 1968.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 68-13404; Filed, Nov. 5, 1968;
8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 177, 178]

COMMERCE IN FIREARMS AND AMMUNITION

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Notice is also given of a public hearing to be held at 9 a.m., e.s.t.

On November 21, 1968, in the Auditorium of the Freer Gallery of Art, 12th Street and Jefferson Drive SW., Washington, D.C., at which time and place all interested parties will be afforded opportunity to be heard, in person or by authorized representative, with reference to the proposed regulations. Written data, views, or arguments relevant to the proposed regulations may be submitted, in duplicate, for incorporation into the record of hearing (1) by mailing the same to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington, D.C. 20224, provided they are received prior to the termination of the hearing, or (2) by presenting the same at said hearing. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. The proposed regulations are to be issued under the authority contained in 18 U.S.C. 926 (82 Stat. 1226).

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

In order to implement the provisions of Title I, State Firearms Control Assistance (U.S.C., title 18, chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213), and Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236), of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197), as amended by Title III of the Gun Control Act of 1968 (82 Stat. 1236), the following regulations are hereby prescribed as Part 178 of Title 26 of the Code of Federal Regulations:

Preamble. 1. These regulations, 26 CFR Part 178, "Commerce in Firearms and Ammunition," supersede regulations 26 CFR Part 177 issued under the Federal Firearms Act (U.S.C., title 15, chapter 18).

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. These regulations shall be effective on and after December 16, 1968.

PART 178—COMMERCE IN FIREARMS AND AMMUNITION

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178.2 Relation to other provisions of law.

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- 178.11 Meaning of terms.

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178.22 Emergency variations from requirements.
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178.45 Renewal of license.
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178.50 Locations covered by license.
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178.54 Change of control.
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Subpart E—License Proceedings

- Sec.
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- 178.91 Posting of license.
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178.95 Certified copy of license.
178.96 Out-of-State and mail order sales.
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178.98 Sales or deliveries of destructive devices and certain firearms.
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178.112 Importation by a licensed importer.
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- 178.121 General.
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- 178.141 General.
178.142 Effect of Presidential pardon.
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178.145 Research organizations.
178.146 Deliveries by mail to certain persons.
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- 178.161 False statement or representation.
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178.163 Commission of a Federal crime.
178.164 Receipt, etc., of firearms by certain persons.
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178.166 Seizure and forfeiture.

Subpart K—Exportation

- 178.171 Exportation.

AUTHORITY: The provisions of this Part 178 issued under 82 Stat. 1213-1226, 18 U.S.C. 921-928, 82 Stat. 236, as amended, unless otherwise noted.

Subpart A—Introduction

§ 178.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to commerce in firearms and ammunition and are promulgated to implement Title I, State Firearms Control Assistance (18 U.S.C. Chapter 44), of the Gun Control Act of 1968 (82 Stat. 1213), and Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236), of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 197) as amended by Title III of the Gun Control Act of 1968 (82 Stat. 1236).

(b) *Procedural and substantive requirements.* This part contains the procedural and substantive requirements relative to:

- (1) The interstate or foreign commerce in firearms and ammunition;
- (2) The licensing of manufacturers, importers, and collectors of, and dealers in, firearms and ammunition;
- (3) The conduct of business of licensees;
- (4) The importation of firearms and ammunition;
- (5) The records and reports required of licensees;
- (6) Relief from disabilities under this part; and
- (7) Exempt interstate and foreign commerce in firearms and ammunition.

(c) *Federal Firearms Act licenses.* This part fully applies to operations by persons licensed under the Federal Firearms Act and Part 177 of this chapter who are continuing their operations under such license pursuant to section 907 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 235). Any reference in this part to "license," "licensee," "licensed dealer," "licensed importer," "licensed manufacturer," etc., shall apply equally as the case may be to licensees and persons licensed under the Federal Firearms Act who are continuing operations pursuant to a license issued under that Act.

§ 178.2 Relation to other provisions of law.

The provisions in this part are in addition to, and are not in lieu of, any other provision of law, or regulations, respecting traffic in firearms or ammunition. For regulations applicable to traffic in machine guns, destructive devices, and certain other firearms, see Part 179 of this chapter. For statutes applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934), and regulations thereunder. For statutes applicable to non-mailable firearms, see 18 U.S.C. 1715 and regulations thereunder.

Subpart B—Definitions

§ 178.11 Meaning of terms.

When used in this part and in forms prescribed under this part, where not

otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "includes" and "including" do not exclude other things not enumerated which are in the same general class or are otherwise within the scope thereof.

Act. Chapter 44 of title 18 of the United States Code.

Ammunition. Ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

Antique firearm. (1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (2) any replica of any firearm described in (1) of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Assistant Regional Commissioner. An Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to, and functions under the direction and supervision of, a Regional Commissioner of Internal Revenue.

Business premises. The property on which firearms or ammunition importing, manufacturing or dealing business is or will be conducted. A private dwelling, no part of which is open to the public, shall not be recognized as coming within the meaning of the term.

Collector. Any person who acquires, holds, or disposes of firearms or ammunition as curios or relics.

Commerce. Travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

Commissioner. The Commissioner of Internal Revenue.

Crime punishable by imprisonment for a term exceeding 1 year. Any offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of 1 year. The term shall not include (1) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulations of business practices as may be provided in this part, or (2) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of 2 years or less.

Curios or relics. Firearms or ammunition which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as

offensive or defensive weapons. To be recognized as curios or relics, firearms and ammunition must fall within one of the following categories:

(a) Firearms and ammunition which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms and ammunition which are certified by the curator of a municipal, State, or Federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms or ammunition which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm or item of ammunition under this category may be established by evidence of present value and evidence that like firearms or ammunition are not available except as collector's items, or that the value of like firearms or ammunition available in ordinary commercial channels is substantially less.

Customs officer. Any officer of the Bureau of Customs or any agent or other person authorized by law or by the Secretary of the Treasury, or appointed in writing by a District Director of Customs, to perform the duties of an officer of the Bureau of Customs.

Date of importation. The date of release of firearms or ammunition from Customs custody.

Dealer. Any person engaged in the business of selling firearms or ammunition at wholesale or retail; any person engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms; or any person who is a pawnbroker.

Destructive device. (a) Any explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than 4 ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) device similar to any of the devices described in the preceding clauses; (b) any type of weapon (other than a shotgun or a shotgun shell which the Director finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and (c) any combination of parts either designed or intended for use in converting any device into any destructive device described in (a) or (b) of this definition and from which a destructive device may be readily assembled. The term shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684

(2), 4685, or 4686 of title 10, United States Code; or any other device which the Director finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes.

Director. The Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D.C. 20224.

Discharged under dishonorable conditions. Separation from the U.S. Armed Forces resulting from a Bad Conduct Discharge or a Dishonorable Discharge.

District Director. A District Director of Internal Revenue.

Executed under penalties of perjury. Signed with the prescribed declaration under the penalties of perjury as provided on or with respect to the return, form, or other document or, where no form of declaration is prescribed, with the declaration: "I declare under the penalties of perjury that this—(insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete."

Federal Firearms Act. Chapter 18 of title 15, United States Code, as in effect on December 15, 1968.

Felony. Any offense punishable by imprisonment for a term exceeding 1 year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of a State and punishable by a term of imprisonment of 2 years or less.

Firearm. Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device; but the term shall not include an antique firearm. In the case of a licensed collector, the term shall mean only curios and relics.

Firearm frame or receiver. That part of a firearm which provides housing for the hammer, bolt or breechlock and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any State to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Importation. The bringing of a firearm or ammunition into the United States; except that the bringing of a firearm or ammunition from outside the United States into a foreign-trade zone for storage pending shipment to a foreign country or subsequent importation into this country, pursuant to this part, shall not be deemed importation.

Importer. Any person engaged in the business of importing or bringing firearms or ammunition into the United States for purposes of sale or distribution.

Indictment. Includes an indictment or information in any court under which a crime punishable by imprisonment for

a term exceeding 1 year may be prosecuted.

Internal Revenue Code of 1954. Title 26, United States Code.

Internal revenue district. An internal revenue district under the jurisdiction of a District Director of Internal Revenue.

Internal revenue region. An internal revenue region under the jurisdiction of a Regional Commissioner of Internal Revenue.

Interstate or foreign commerce. Includes commerce between any place in a State and any place outside of that State, or within any possession of the United States (not including the Canal Zone) or the District of Columbia. The term shall not include commerce between places within the same State but through any place outside of that State.

Licensed collector. A collector of curios and relics only and licensed under the provisions of this part.

Licensed dealer. A dealer licensed under the provisions of this part, and a dealer licensed under the Federal Firearms Act if such license is deemed valid under section 907 of Public Law 90-351 (82 Stat. 235).

Licensed importer. An importer licensed under the provisions of this part, and a manufacturer (as that term was defined in the Federal Firearms Act) licensed under the Federal Firearms Act if such license is deemed valid under section 907 of Public Law 90-351 (82 Stat. 235).

Licensed manufacturer. A manufacturer licensed under the provisions of this part, and a manufacturer (as that term was defined in the Federal Firearms Act) licensed under the Federal Firearms Act if such license is deemed valid under section 907 of Public Law 90-351 (82 Stat. 235).

Machine gun. Any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

Manufacturer. Any person engaged in the manufacture of firearms or ammunition for purposes of sale or distribution.

National Firearms Act. Chapter 53 of the Internal Revenue Code of 1954.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any firearm or ammunition as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Published ordinance. A published law of any political subdivision of a State which the Director determines to be relevant to the enforcement of this part and which is contained on a list compiled by the Director, which list is published in the FEDERAL REGISTER, revised annually, and

furnished to each licensee under this part.

Regional Commissioner. A Regional Commissioner of Internal Revenue.

Replica. A reproduction, copy or facsimile of an antique firearm which is incapable of firing fixed ammunition.

Rifle. A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Short-barreled rifle. A rifle having one or more barrels less than 16 inches in length, and any weapon made from a rifle, whether by alteration, modification, or otherwise, if such weapon, as modified, has an overall length of less than 26 inches.

Short-barreled shotgun. A shotgun having one or more barrels less than 18 inches in length, and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than 26 inches.

State. A State of the United States, designed, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

State. A State of the United States. The term shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).

Unserviceable firearm. A firearm which is incapable of discharging a shot by means of an explosive and is incapable of being readily restored to a firing condition.

U.S.C. The United States Code.

Subpart C—Administrative and Miscellaneous Provisions

§ 178.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished, as indicated by the headings on the form and the instructions thereon or issued in respect thereto, and as required by this part.

§ 178.22 Emergency variations from requirements.

(a) The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations from the specific requirements (1) are necessary, (2) will not hinder the effective administration of this part, and (3) will not be contrary to any provisions of law.

(b) Variations from requirements granted under this section are conditioned on compliance with the procedures, conditions, and limitations with respect thereto set forth in the approval of the application. Failure to comply in good faith with such procedures, condi-

tions, and limitations shall automatically terminate the authority for such variations, and the licensee thereupon shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever in the judgment of the Director the effective administration of this part is hindered by the continuation of such variation. A licensee who desires to employ such variation shall submit a written application so to do, in triplicate, to the Assistant Regional Commissioner for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons therefor. A variation shall not be employed until the application has been approved. The licensee shall retain, as part of his records, available for examination by internal revenue officers, any application approved by the Director under the provisions of this section.

§ 178.23 Right of entry and examination.

Any internal revenue officer may enter during business hours the premises, including places of storage, of any firearms or ammunition importer, manufacturer, dealer, or collector for the purpose of inspecting or examining any records or documents required to be kept by such importer, manufacturer, dealer, or collector under the provisions of the Act or this part, and any firearms or ammunition kept or stored by such importer, manufacturer, dealer, or collector at such premises.

§ 178.24 Published ordinances.

The Director is authorized to compile, publish in the FEDERAL REGISTER, annually revise, and furnish to each licensee, a list of published ordinances which are relevant to the enforcement of this part.

§ 178.25 Disclosure of information.

Upon receipt of written request of any State or any political subdivision thereof, the Assistant Regional Commissioner may make available to such State or any political subdivision thereof, any information which the Assistant Regional Commissioner may obtain by reason of the provisions of the Act with respect to the identification of persons within such State or political subdivision thereof, who have purchased or received firearms or ammunition, together with a description of such firearms or ammunition.

§ 178.26 Curio and relic determination.

A licensed collector who desires to obtain a determination whether a particular firearm or ammunition is a curio or relic shall submit a written request, in duplicate, for a ruling thereon to the Assistant Regional Commissioner. Each such request shall be executed under the penalties of perjury and shall contain a complete and accurate description of the firearm or ammunition, and such photographs, diagrams, or drawings as may be necessary to enable the Assistant Regional Commissioner to make his determination. The Assistant Regional

Commissioner may require the submission to him, or to an officer designated by him, of the firearm or ammunition for examination and testing. If the submission of the firearm or ammunition is impractical, the licensed collector shall so advise the Assistant Regional Commissioner and designate the place where the firearm or ammunition will be available for examination and testing.

§ 178.27 Destructive device determination.

The Director shall determine in accordance with 18 U.S.C. 921(a)(4) whether a device is excluded from the definition of a destructive device. A person who desires to obtain a determination under that provision of law for any device which he believes is not likely to be used as a weapon shall submit a written request, in triplicate, for a ruling thereon to the Assistant Regional Commissioner for transmittal to the Director. Each such request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer thereof, the purpose of and use for which it is intended, and such photographs, diagrams, or drawings as may be necessary to enable the Director to make his determination. The Director may require the submission to him, or to an officer designated by him, of a sample of such device for examination or testing. If the submission of such device is impracticable, the person requesting the ruling shall so advise the Director and designate the place where the device will be available for examination and testing.

§ 178.28 Transportation of destructive devices and certain firearms.

(a) The Assistant Regional Commissioner for the internal revenue region in which a person resides may authorize that person to transport in interstate or foreign commerce any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle, if he finds that such transportation is reasonably necessary, is consistent with public safety, and is not inconsistent with State or local law. A person who desires to transport in interstate or foreign commerce any such device or weapon shall submit a written request so to do, in duplicate, to the Assistant Regional Commissioner. The request shall contain:

- (1) A complete description and identification of the device or weapon to be transported;
- (2) A statement whether such transportation involves a transfer of title;
- (3) The need for such transportation;
- (4) The approximate date such transportation is to take place;
- (5) The present location of such device or weapon and the place to which it is to be transported;
- (6) The mode of transportation to be used (including, if by common or contract carrier, the name and address of such carrier); and
- (7) Evidence that the transportation or possession of such device or weapon

is not inconsistent with the laws at the place of destination.

(b) No person shall transport any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle in interstate or foreign commerce under the provisions of this section until he has received specific authorization so to do from the Assistant Regional Commissioner. Authorization granted under this section does not carry or import relief from any other statutory or regulatory provision relating to firearms.

(c) This section shall not be construed as requiring licensees to obtain authorization to transport destructive devices, machine guns, short-barreled shotguns, and short-barreled rifles in interstate or foreign commerce: *Provided*, That such a licensee has authority to engage in the business with respect to the weapon to be transported.

§ 178.29 Out-of-State acquisition of firearms by nonlicensees.

No person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, shall transport into or receive in the State where he resides (or if a corporation or other business entity, where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State: *Provided*, That the provisions of this section (a) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (b) shall not apply to the transportation or receipt of a rifle or shotgun obtained in conformity with the provisions of §§ 178.30, 178.96, and 178.97, and (c) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of the Act.

§ 178.30 Out-of-State disposition of firearms by nonlicensees.

No nonlicensee shall transfer, sell, trade, give transport, or deliver any firearm to any other nonlicensee, who the transferor knows or has reasonable cause to believe resides in any State other than that in which the transferor resides (or if a corporation or other business entity, where it maintains a place of business): *Provided*, That the provisions of this section shall not apply to (a) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or any acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence, and (b) the loan or rental of a firearm to any person for temporary use for lawful sporting purposes.

§ 178.31 Delivery by common or contract carrier.

(a) No person shall knowingly deliver or cause to be delivered to any common or contract carrier for transportation or shipment in interstate or foreign commerce to any person other than a licensed

importer, licensed manufacturer, licensed dealer, or licensed collector, any package or other container in which there is any firearm or ammunition without written notice to the carrier that such firearm or ammunition is being transported or shipped: *Provided*, That any passenger who owns or legally possesses a firearm or ammunition being transported aboard any common or contract carrier for movement with the passenger in interstate or foreign commerce may deliver said firearm or ammunition into the custody of the pilot, captain, conductor or operator of such common or contract carrier for the duration of that trip without violating any provision of this part.

(b) No common or contract carrier shall transport or deliver in interstate or foreign commerce any firearm or ammunition with knowledge or reasonable cause to believe that the shipment, transportation, or receipt thereof would be in violation of any provision of this part: *Provided, however*, That the provisions of this paragraph shall not apply in respect to the transportation of firearms or ammunition in in-bond shipment under Customs laws and regulations.

§ 178.32 Prohibited shipment, transportation, or receipt of firearms and ammunition by certain persons.

(a) No person may ship or transport any firearm or ammunition in interstate or foreign commerce, or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, who (1) is under indictment for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marihuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954), or (4) has been adjudicated as a mental defective or who has been committed to a mental institution.

(b) A firearm may not be received, possessed, or transported in commerce or affecting commerce by any person who (1) has been convicted by a court of the United States or of a State or any political subdivision thereof of a felony, (2) has been discharged from the Armed Forces under dishonorable conditions, (3) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, or (4) having been a citizen of the United States has renounced his citizenship, or (5) being an alien is illegally in the United States.

(c) Any individual who to his knowledge and while being employed by any person coming within a classification contained in paragraph (b) of this section, may not in the course of such employment receive, possess, or transport a firearm in commerce or affecting commerce.

(d) The provisions of paragraph (b) of this section shall not apply to any prisoner who by reason of duties connected with law enforcement has expressly

been entrusted with a firearm by competent authority of the prison, and the provisions of paragraphs (b) and (c) of this section shall not apply to any person, or any employee employed by such person, who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to receive, possess, or transport in commerce a firearm.

§ 178.33 Stolen firearms and ammunition.

No person shall transport or ship in interstate or foreign commerce any stolen firearm or stolen ammunition knowing or having reasonable cause to believe that the firearm or ammunition was stolen, and no person shall receive, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition which is moving as, which is a part of, or which constitutes interstate or foreign commerce, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.

§ 178.34 Removed, obliterated, or altered serial number.

No person shall knowingly transport, ship, or receive in interstate or foreign commerce any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered.

Subpart D—Licenses

§ 178.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of, or a dealer in, firearms or ammunition shall, before commencing such business, obtain the license required by this subpart for the business to be operated. Each person who desires to obtain the privileges granted by the Act and this part to a licensed collector may obtain such a license under the provisions of this subpart.

(b) Each person intending to engage in business as a firearms or ammunition importer, manufacturer, or dealer, or seeking the privileges of a collector licensed under this part shall file an application, with the required fee (see § 178.42), with the District Director for the internal revenue district in which his premises are to be located, and, pursuant to § 178.47, receive the license required for such business or the license covering collecting curios and relics from the Assistant Regional Commissioner. A separate license must be obtained for each business or activity and each place at which the applicant is to do business or conduct collecting activity. Such license shall, subject to the provisions of the Act and other applicable provisions of law, entitle the licensee to transport, ship, and receive firearms and ammunition covered by such license in interstate or foreign commerce, and to engage in the business or activity specified by the license, at the location described on the license, and for the period stated on the license: *Provided*, That it shall not be necessary for a licensed importer or a

licensed manufacturer to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in the same type of firearms or ammunition authorized by his license to be imported or manufactured: *Provided further*, That the payment of the license fee as an importer or manufacturer of, or a dealer in, destructive devices and ammunition for destructive devices includes the privilege of importing, manufacturing or dealing in, as the case may be, firearms other than destructive devices and ammunition for other than destructive devices by such a licensee at his licensed premises.

(c) The collector license provided by this part shall apply only to transactions related to a collector's activity in acquiring, holding or disposing of curios and relics. A collector's license does not authorize the collector to engage in a business required to be licensed under the Act or this part. Therefore, if the acquisitions and dispositions of curios and relics by a collector bring the collector within the definition of a manufacturer, importer or dealer under this part, he shall qualify as such. (See also § 178.93 of this part.)

§ 178.42 License fees.

Each applicant shall pay a fee for obtaining a license, a separate fee being required for each business or collecting activity at each place of such business or activity, as follows:

- (a) For a manufacturer:
 - (1) Of destructive devices or ammunition for destructive devices—\$1,000 per year.
 - (2) Of firearms other than destructive devices—\$50 per year.
 - (3) Of ammunition for firearms other than destructive devices—\$10 per year.
- (b) For an importer:
 - (1) Of destructive devices or ammunition for destructive devices—\$1,000 per year.
 - (2) Of firearms other than destructive devices or ammunition for firearms other than destructive devices—\$50 per year.
- (c) For a dealer:
 - (1) In destructive devices or ammunition for destructive devices—\$1,000 per year.
 - (2) Who is a pawnbroker dealing in firearms other than destructive devices or ammunition for firearms other than destructive devices—\$25 per year.
 - (3) Who is not a dealer in destructive devices or a pawnbroker—\$10 per year.
- (d) For a collector of curios and relics—\$10 per year.

§ 178.43 License fee not refundable.

No refund of any part of the amount paid as a licensee fee shall be made where the operations of the licensee are, for any reason, discontinued during the period of an issued license.

§ 178.44 Original license.

(a) Any person who intends to engage in business as a firearms or ammunition importer, manufacturer, or dealer on or after the effective date of this part, or who has not previously been licensed under the provisions of this part to so

engage in business, or who has not timely submitted application for renewal of his previous license issued under this part, shall, except as provided in paragraph (c) of this section, file with the District Director for the internal revenue district in which the applicant is to do business an application, Form 7 (Firearms), in duplicate. The application, Form 7 (Firearms), shall include information as to the ownership of the business, the type of firearms or ammunition to be dealt in, the type of business premises, the business hours, the business history, and the identity of the responsible persons in the business. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 7 (Firearms) may be obtained from any Assistant Regional Commissioner or from any District Director.

(b) Any person who desires to obtain the privileges granted to a licensed collector under the Act and this part on or after the effective date of this part, or who has not timely submitted application for renewal of his previous license issued under this part, shall file with the District Director for the internal revenue district in which the applicant is to engage in such activity an application, Form 7 (Firearms), in duplicate. The application, Form 7 (Firearms), shall include information as to the ownership of the activity, the type of premises to be maintained by the applicant for the activity, and the identity of the responsible persons in the activity. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 924. The application shall be accompanied by a \$10 fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. Forms 7 (Firearms) may be obtained from any Assistant Regional Commissioner or from any District Director.

(c) Any person holding a valid license issued pursuant to the provisions of the Federal Firearms Act to manufacture, import or deal in firearms or ammunition for pistols or revolvers may continue to conduct such business under such license until that license expires according to its terms, unless that license be sooner terminated pursuant to applicable provisions of law. If the holder of a license issued pursuant to the Federal Act intends to continue his firearms or ammunition business following the expiration of such license, he shall comply with the provisions contained in paragraph (a) of this section prior to the expiration of the period covered by the license, and upon compliance with those provisions such an applicant may continue such operations as were authorized by his expired license under this part until his application is finally acted upon.

§ 178.45 Renewal of license.

If a licensee intends to continue the business or activity described on a license issued under this part during any portion

of the ensuing year, he shall, unless otherwise notified in writing by the Assistant Regional Commissioner, execute and file prior to the expiration of his license an application for license renewal, Form 8 (Firearms) (Part 3), accompanied by the required fee, with the District Director for the internal revenue district in which the business or activity is operated. The Assistant Regional Commissioner may, in writing, require an applicant for license renewal to also file completed Form 7 (Firearms) in the manner required by § 178.44. In the event the licensee does not timely file a Form 8 (Firearms) (Part 3), he must file a Form 7 (Firearms) as required by § 178.44, and obtain the required license before continuing business or collecting activity. If a Form 8 (Firearms) (Part 3) is not timely received through the mails, the licensee should so notify his Assistant Regional Commissioner.

§ 178.46 Procedure by District Director.

Upon receipt of an application for an original license on Form 7 (Firearms) or an application for renewal of a license on Form 8 (Firearms) (Part 3), accompanied by the required fee, the District Director shall deposit such fee and forward the license application to the Assistant Regional Commissioner. Where an application is filed with an insufficient fee, the application and any fee submitted shall be returned by the District Director.

§ 178.47 Issuance of license.

(a) Upon receipt of a properly executed application for a license on Form 7 (Firearms), or Form 8 (Firearms) (Part 3), the Assistant Regional Commissioner may, upon finding through further inquiry or investigation, or otherwise, that the applicant is entitled thereto, issue the appropriate license and a copy thereof. Each license shall bear a serial number and such number may be assigned to the licensee to whom issued for so long as he maintains continuity of annual renewal in the same internal revenue district.

(b) The Assistant Regional Commissioner shall approve a properly executed application for license on Form 7 (Firearms), or Form 8 (Firearms) (Part 3), if:

(1) The applicant is 21 years of age or over;

(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or foreign commerce under the provisions of the Act;

(3) The applicant has not willfully violated any of the provisions of the Act or this part;

(4) The applicant has not willfully failed to disclose any material information required, or has not made any false statement as to any material fact, in connection with his application;

(5) The applicant has in a State (1) premises from which he conducts business subject to license under the Act or from which he intends to conduct such business within a reasonable period of time, or (2) in the case of a collector, premises from which he conducts his collecting subject to license under the Act or from which he intends to conduct such collecting within a reasonable period of time; and

(6) The applicant is not prohibited by the provisions of Title VII of Public Law 90-351 (82 Stat. 236) from receiving, possessing or transporting firearms in commerce or affecting commerce, if the application is for a license relating to firearms.

(c) The Assistant Regional Commissioner shall approve or deny an application for license within the 45-day period beginning on the date the application was received by the District Director: *Provided*, That when an applicant for license renewal is a person who is, pursuant to the provisions of § 178.143 or § 178.144, conducting business or collecting activity under a previously issued license, action regarding the application will be held in abeyance pending final determination of the applicant's criminal case, or final action by the Commissioner of an application for relief submitted pursuant to § 178.144, as the case may be.

(d) When the Assistant Regional Commissioner fails to act on an application for license within the 45-day period prescribed by paragraph (c) of this section, the applicant may file an action under section 1361 of title 28, United States Code, to compel the Assistant Regional Commissioner to act.

§ 178.48 Correction of error on license.

(a) Upon receipt of a license issued under the provisions of this part, each licensee shall examine same to ensure that the information contained thereon is accurate. If the license is incorrect, the licensee shall return the license, and the copy thereof furnished with the license, to the Assistant Regional Commissioner with a statement showing the nature of the error. The Assistant Regional Commissioner shall correct the error, if the error was made in his office, and return the license and the copy thereof. However, if the error resulted from information contained in the licensee's application for the license, the Assistant Regional Commissioner shall require the licensee to file an amended application setting forth the correct information and a statement explaining the error contained in the application. Upon receipt of the amended application and a satisfactory explanation of the error, the Assistant Regional Commissioner shall make the correction on the license, and the copy thereof, and return same to the licensee.

(b) When the Assistant Regional Commissioner finds through any means other than notice from the licensee that an incorrect license has been issued, the Assistant Regional Commissioner may require the holder of the incorrect license to (1) return the license, and the copy

thereof furnished with the license, for correction, and (2) if the error resulted from information contained in the licensee's application for the license, the Assistant Regional Commissioner shall require the licensee to file an amended application setting forth the correct information, and a statement explaining the error contained in the application. The Assistant Regional Commissioner then may make the correction on the license and the copy thereof, and return same to the licensee.

§ 178.49 Duration of license.

A license shall not be issued for a period of less than 1 year. The license shall entitle the person to whom issued to engage in the business or activity specified on the license, within the limitations of the Act and the regulations contained in this part, for the period stated on the license, unless sooner terminated.

§ 178.50 Locations covered by license.

The license covers the class of business or the activity specified in the license at the address described therein. Accordingly, a separate license must be obtained for each location at which a firearms or ammunition business or activity requiring a license under this part is conducted; however, no license is required to cover a separate warehouse used by the licensee solely for storage of firearms or ammunition if the records required by this part are maintained at the licensed premises served by such warehouse: *Provided*, That a licensed collector may acquire curios and relics at any location, and dispose of curios or relics to any licensee, or to other persons who are residents of the State where the collector's license is held and the disposition is made.

§ 178.51 License not transferable.

Licenses issued under this part are not transferable. In the event of the lease, sale, or other transfer of the operations authorized by the license, the successor must obtain the license required by this part prior to commencing such operations. However, for rules on right of succession, see § 178.56.

§ 178.52 Change of address.

A licensee may remove his business or activity to a new location without procuring a new license. However, in every case, whether or not the removal is from one internal revenue region to another, notification of the new location of the business or activity must be given not less than 10 days prior to such removal to the Assistant Regional Commissioner for the internal revenue region from which or within which the removal is to be made, and the Assistant Regional Commissioner for the internal revenue region to which the removal is to be made. In each instance, the license and the copy thereof furnished with the license must be submitted for endorsement to the Assistant Regional Commissioner having jurisdiction over the internal revenue region to which or within

which removal is to be made. After endorsement of the license and the copy thereof to show the new address, and the new license number, if any, the Assistant Regional Commissioner will return same to the licensee.

§ 178.53 Change in trade name.

A licensee continuing to conduct business at the location shown on his license is not required to obtain a new license by reason of a mere change in trade name under which he conducts his business: *Provided*, That such licensee furnishes his license for endorsement of such change to the Assistant Regional Commissioner for the internal revenue region in which the licensee conducts his business within 30 days from the date the licensee begins his business under the new trade name.

§ 178.54 Change of control.

In the case of a corporation or association holding a license under this part, if actual or legal control of the corporation or association changes, directly or indirectly, whether by reason of change in stock ownership or control (in the licensed corporation or in any other corporation), by operations of law, or in any other manner, the licensee shall, within 30 days of such change, give written notification thereof, executed under the penalties of perjury, to the Assistant Regional Commissioner. Upon expiration of the license, the corporation or association must file a Form 7 (Firearms) as required by § 178.44.

§ 178.55 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, such surviving partner may continue to operate the business under the license of the partnership. If such surviving partner acquires the business on completion of the settlement of the partnership, he shall obtain a license in his own name from the date of acquisition, as provided in § 178.44. The rule set forth in this section shall also apply where there is more than one surviving partner.

§ 178.56 Right of succession by certain persons.

(a) Certain persons other than the licensee may secure the right to carry on the same firearms or ammunition business at the same address shown on, and for the remainder of the term of, a current license. Such persons are:

(1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee; and

(2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(b) In order to secure the right provided by this section, the person or persons continuing the business shall fur-

nish the license for that business for endorsement of such succession to the Assistant Regional Commissioner for the internal revenue region in which the business is conducted within 30 days from the date on which the successor begins to carry on the business.

§ 178.57 Discontinuance of business.

Where a firearm or ammunition business is either discontinued or succeeded by a new owner, the owner of the business discontinued or succeeded shall within 30 days thereof furnish to the Assistant Regional Commissioner for the internal revenue region in which his business was located notification of the discontinuance or succession. (See also § 178.127.)

§ 178.58 State or other law.

A license issued under this part confers no right or privilege to conduct business or activity contrary to State or other law. The holder of such a license is not by reason of the rights and privileges granted by that license immune from punishment for operating a firearm or ammunition business or activity in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

Subpart E—License Proceedings

§ 178.71 Denial of an application for license.

Whenever the Assistant Regional Commissioner has reason to believe that an applicant is not eligible to receive a license under the provisions of § 178.47, he may issue a notice of denial, on Form 4498, to the applicant. The notice shall set forth the matters of fact and law relied upon in determining that the application should be denied, and shall afford the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If no request for a hearing is filed within such time, the application shall be disapproved and a copy, so marked, shall be returned to the applicant.

§ 178.72 Hearing after application denial.

If the applicant for an original or renewal license desires a hearing to review the denial of his application, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner within 15 days after receipt of the notice of denial. The request should include a statement of the reasons therefor. On receipt of the request, the Assistant Regional Commissioner shall, as expeditiously as possible, make the necessary arrangements for the hearing and advise the applicant of the date, time, location, and the name of the officer before whom the hearing will be held. Such notification shall be made not less than 10 days in advance of the date set for the hearing. On conclusion of the hearing and consideration of all relevant facts and circumstances presented by the applicant or his representative, the Assistant Regional Commissioner shall render his

decision confirming or reversing the denial of the application. If the decision is that the denial should stand, a certified copy of the Assistant Regional Commissioner's findings and conclusions shall be furnished to the applicant with a final notice of denial, Form 4501. A copy of the application, marked "Disapproved," will be returned to the applicant. If the decision is that the license applied for should be issued, the applicant shall be so notified, in writing, and the license shall be issued as provided by § 178.47.

§ 178.73 Notice of contemplated revocation.

Whenever the Assistant Regional Commissioner has reason to believe that a licensee has violated any provision of the Act or this part, he may issue a notice, on Form 4499, of contemplated revocation of the license. The notice shall set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The Assistant Regional Commissioner shall afford the licensee 15 days from the date of receipt of the notice in which to request a hearing prior to revocation of the license. If the licensee does not file a timely request for a hearing, the Assistant Regional Commissioner shall issue a notice of revocation, Form 4500, as provided in § 178.74.

§ 178.74 Request for hearing after notice of contemplated revocation.

If a licensee desires a hearing pursuant to receipt of a notice of contemplated revocation of his license, he shall file a request therefor, in duplicate, with the Assistant Regional Commissioner within 15 days after receipt of the notice of contemplated revocation. On receipt thereof, the Assistant Regional Commissioner shall, as expeditiously as possible, make the necessary arrangements for the hearing and advise the licensee of the date, time, location and the name of the officer before whom the hearing will be held. Such notification shall be made not less than 10 days in advance of the date set for the hearing. On conclusion of the hearing and consideration of all relevant presentations made by the licensee or his representative, the Assistant Regional Commissioner shall render his decision and shall prepare a brief summary of the findings and conclusions on which the decision is based. If the decision is that the license should be revoked, a certified copy of the summary shall be furnished to the licensee with the notice of revocation on Form 4500. If the decision is that the license should not be revoked, the licensee shall be so notified in writing.

§ 178.75 Hearing after notice of revocation.

(a) No hearing held prior to notice of revocation. If the licensee did not request a hearing on receipt of the notice of contemplated revocation of his license, Form 4499, but does file a timely request for a hearing after being served the notice of revocation, Form 4500, the Assistant Regional Commissioner shall

arrange for, and conduct, a hearing in the manner prescribed in § 178.74, except that the place of hearing will be determined as provided by § 178.81. If, after hearing, the Assistant Regional Commissioner is still of the opinion that the license should be revoked, he will serve final notice of revocation, Form 4501, on the licensee, with a copy of his findings and conclusions. If he decides that the license should not be revoked, he will so notify the licensee, in writing.

(b) *Hearing held prior to notice of revocation.* If a hearing was held prior to notice of revocation, Form 4500, and the licensee files a timely request for a hearing after receipt of a notice of revocation, the Assistant Regional Commissioner shall refer the matter to the hearing examiner, appointed under 5 U.S.C. 3105, designated to preside over such hearing. The examiner shall set a time and place for the hearing and shall serve notice thereof on the licensee and the Assistant Regional Commissioner at least 10 days in advance of the hearing date. Such hearing shall be conducted under the applicable provisions of Part 200 of this chapter, including those with respect to stipulations at hearings, evidence, and closing of hearings.

§ 178.76 Recommended decision of hearing examiner.

Within a reasonable time after the conclusion of a hearing held as provided in § 178.75, and as expeditiously as possible, the examiner shall render a recommended decision. Such decision shall become a part of the record and, if proposed findings and conclusions have been filed, shall show the examiner's ruling upon each of such proposed findings and conclusions. Decisions shall consist of (a) a brief statement of the issues of fact involved in the proceeding; (b) the examiner's findings and conclusions, as well as the reasons and basis therefor, upon all the material issues of fact, law or discretion presented on the record; and (c) the examiner's recommended determination on the record.

§ 178.77 Certification and transmittal of record and recommended decision to Director.

After reaching his decision, the examiner shall certify to the complete record of the proceeding before him and shall immediately forward it, together with two copies of his recommended decision, to the Director, and will forward two copies of his recommended decision to the Assistant Regional Commissioner for his files.

§ 178.78 Decision of Director.

If, after consideration of the record and the recommended decision of the examiner, the Director shall approve or disapprove the findings, conclusion, and recommended decision of the examiner, and he shall direct the Assistant Regional Commissioner to issue a final notice of revocation on Form 4501; or to inform the licensee that the license shall remain in effect. Any decision of the Director for the revocation of a license

shall include a statement of the findings and conclusions upon which it is based, including his ruling on each proposed finding, conclusion, and exception to the examiner's recommended decision, together with a statement of his findings and conclusions, and reasons or basis therefor, upon all material issues of fact, law, or discretion presented on the record. A signed duplicate original of the decision shall be served on the licensee and a copy containing certificate of service shall be retained by the Assistant Regional Commissioner for his files, and the original shall be placed in the official record of the proceeding.

§ 178.79 Service on applicant or licensee.

All notices and other formal documents required to be served on an applicant or licensee under this subpart shall be served by certified mail or by personal delivery. Where service is by certified mail, a signed duplicate original copy of the formal document shall be mailed, with return receipt requested, to the applicant or licensee at the address stated in his application or license, or at his last known address. Where service is by personal delivery, a signed duplicate original copy of the formal document shall be delivered to the applicant or licensee, or, in the case of a corporation, partnership, or association, by delivering it to an officer, manager, or general agent thereof, or to its attorney of record.

§ 178.80 Representation at a hearing.

An applicant or licensee may be represented by an attorney or other person recognized to practice before the Internal Revenue Service as provided in 31 CFR Part 10 (Treasury Department Circular No. 230), if he has otherwise complied with the applicable requirements of §§ 601.521-601.527 of this chapter. The Assistant Regional Commissioner may be represented in proceedings under § 178.75(b) by an attorney in the office of the regional counsel who is authorized to execute and file motions, briefs and other papers in the proceeding, on behalf of the Assistant Regional Commissioner, in his own name as "Attorney for the Government."

§ 178.81 Designated place of hearing.

The designated place of hearing shall be such as meets the needs of the parties: *Provided*, That any hearing held after notice of contemplated revocation but prior to the notice of revocation shall be at the office of the Assistant Regional Commissioner.

§ 178.82 Operations by licensees after notice.

In any case where denial or revocation proceedings are pending before the Internal Revenue Service, or notice of denial or revocation has been served on the licensee and he has filed timely request for a hearing, the license in the possession of the licensee shall remain in effect even though (a) such license has expired or (b) the revocation date specified in the notice of revocation on Form 4500 served on the licensee has passed. If a licensee is dissatisfied with

a posthearing decision revoking the license or denying the application, as the case may be, he may, pursuant to 18 U.S.C. 923(f)(3), within 60 days after receipt of the final notice denying the application or revoking the license, file a petition for judicial review of such action. Such petition should be filed with the U.S. district court for the district in which the applicant or licensee resides or has his principal place of business. In such case, when the Assistant Regional Commissioner finds that justice so requires, he may (1) postpone the effective date of revocation of a license or (2) authorize continued operations under the expired license, as applicable, pending judicial review.

Subpart F—Conduct of Business

§ 178.91 Posting of license.

Any license issued under this part shall be kept posted and kept available for inspection on the premises covered by the license.

§ 178.92 Identification of firearms.

Each licensed manufacturer or licensed importer of any firearm manufactured or imported on or after the effective date of this part shall legibly identify each such firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing or causing to be engraved, cast, stamped (impressed) or placed on the frame or receiver thereof in a manner not susceptible of being readily obliterated, altered, or removed, (a) an individual serial number not duplicating any serial number placed by the manufacturer or importer on any other firearm, (b) the model, if such designation has been made, (c) the caliber or gauge, (d) the name (or recognized abbreviation of same) of the manufacturer and also, when applicable, of the importer, (e) in the case of a domestically made firearm, the city and State (or recognized abbreviation thereof) wherein the licensed manufacturer maintains his place of business, and (f) in the case of an imported firearm, the name of the country in which manufactured and the city and State (or recognized abbreviation thereof) of the importer: *Provided*, That the Director may authorize other means of identification of the licensed manufacturer or licensed importer upon receipt of letter application, in duplicate, from same showing that such other identification is reasonable and will not hinder the effective administration of this part: *Provided, further*, That in the case of a destructive device, the Director may authorize other means of identifying that weapon upon receipt of letter application, in duplicate, from the licensed manufacturer or licensed importer showing that engraving, casting, or stamping (impressing) such a weapon would be dangerous or impracticable. A firearm frame or receiver which is not a component part of a complete weapon at the time it is sold, shipped, or otherwise disposed

of by a licensed manufacturer or licensed importer, shall be identified as required by this section.

§ 178.93 Authorized operations by a licensed collector.

The license issued to a collector of curios or relics under the provisions of this part shall cover only transactions by the licensed collector in curios and relics. The collector's license is of no force or effect and a licensed collector is of the same status under the Act and this part as a nonlicensee with respect to (a) any acquisition or disposition of firearms or ammunition other than curios or relics, or any transportation, shipments, or receipt of firearms or ammunition other than curios or relics in interstate or foreign commerce, and (b) any transactions with nonlicensees involving any firearms or ammunition other than curios or relics.

§ 178.94 Sales or deliveries between licensees.

An importer, manufacturer, dealer, or collector selling or otherwise disposing of firearms or ammunition to another licensee shall verify the identity and licensed status of the transferee. Such verification shall be established by the transferee furnishing to the transferor a certified copy of the transferee's license and by such other means as the transferor deems necessary. Each transferee shall obtain and/or make a certified copy of his license for such use pursuant to § 178.95.

§ 178.95 Certified copy of license.

Each person licensed under the provisions of this part shall be furnished together with his license a copy thereof for his certification. If such a person desires an additional copy of his license for certification and for use pursuant to § 178.94, he shall:

(a) Make a reproduction of the copy of his license and execute same, or

(b) Make a reproduction of his license, and, if an individual, enter upon such reproduction the statement: "I certify that this reproduction is a true and correct copy of my license," and sign his name adjacent thereto, or, if the license has been issued to a corporation or other business entity, a person authorized to act on behalf of such corporation or other business entity shall enter upon such reproduction the statement: "I certify that this reproduction is a true and correct copy of the license issued to this business," and sign his name and title adjacent thereto, or

(c) Submit a request, in writing, for additional copies of his license to the Assistant Regional Commissioner for the internal revenue region in which the license was issued. The request shall set forth the name, trade name (if any) and address of the licensee, and the number of copies of the license desired. There shall be imposed a fee of \$1 for each copy of a license issued by the Assistant Regional Commissioner under the provisions of this paragraph. Fee payment shall accompany each such request for additional copies of a license. Such fee

shall be paid by (1) cash, or (2) money order or check made payable to the Internal Revenue Service.

§ 178.96 Out-of-State and mail order sales.

(a) The provisions of this section shall apply in any case where a firearm purchased by or delivered to the person so receiving the firearm is not otherwise prohibited by the Act or this part.

(b) A licensed importer, licensed manufacturer, or licensed dealer may sell a firearm to a person who does not appear in person at the licensee's business premises if such person (1) is a resident of the same State in which the licensee's business premises are located, and (2) such person submits to the licensee the firearms transaction record, Form 4473, required by § 178.124. The person purchasing the firearm shall attach to such record a true copy of any permit or other information required pursuant to any statute of the State and published ordinance applicable to the locality in which he resides. The licensee shall (1) prior to shipment or delivery of the firearm to such purchaser, forward by registered or certified mail (return receipt requested) a copy of the record, Form 4473, to the chief law enforcement officer named on such record by the purchaser, and (2) delay shipment or delivery of the firearm to the purchaser for a period of at least 7 days following receipt by the licensee of (i) the return receipt evidencing delivery of the copy of the return, Form 4473, to such chief law enforcement officer, or (ii) the return of the copy of the return, Form 4473, to him due to the refusal of such chief law enforcement officer to accept same in accordance with U.S. Post Office Department regulations. The original record, Form 4473, and evidence of receipt or rejection of delivery of the copy of the return, Form 4473, sent to the chief law enforcement officer shall be retained by the licensee as a part of the records required of him to be kept under the provisions of Subpart H of this part.

(c) A licensed importer, licensed manufacturer, or licensed dealer, may sell or deliver a rifle or shotgun (a licensed collector may sell or deliver a rifle or shotgun only if it is a curio or relic) to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale, or delivery for sale, of the rifle or shotgun, complied with all the requirements of paragraph (b) of this section applicable to intrastate transactions occurring on other than the licensee's business premises.

(d) A licensed dealer may sell to any person who is a resident of a State other than the State in which the licensed dealer's premises are located, and who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in the State in which the licensed dealer's premises are located,

and whose rifle or shotgun has been lost or stolen or has become inoperative in the State in which the licensed dealer's premises are located, if such person presents to the licensed dealer a sworn statement, in duplicate, (1) that his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in the State in which the licensed dealer's business premises are located, (2) setting forth the name and address of the organized rifle or shotgun match or contest, or the nature and location of the hunting, and the circumstances surrounding the firearm's loss or theft, or the reason why the firearm has become inoperative, and (3) identifying the chief law enforcement officer (sheriff, chief of police, or police precinct captain) of the locality in which such person resides. Immediately upon delivery of the rifle or shotgun to such person, the licensed dealer shall forward a copy of the sworn statement, by registered mail, to the chief law enforcement officer named by such person. The licensee shall retain the original sworn statement, and evidence of delivery of the copy thereof to the chief law enforcement officer, as a part of the records required of him under Subpart H of this part.

§ 178.97 Loan or rental of firearms.

A licensee may loan or rent a firearm to any person for temporary use for lawful sporting purposes: *Provided*, That the delivery of the firearm to such person is not prohibited by § 178.99(b) or § 178.99(c), and the licensee records such loan or rental in the records required to be kept by him under Subpart H of this part.

§ 178.98 Sales or deliveries of destructive devices and certain firearms.

The sale or delivery by a licensee of any destructive device, machine gun, short-barreled shotgun, or short-barreled rifle, to any person other than another licensee who is licensed under this part to receive such device or firearm, is prohibited unless the person to receive such device or firearm has in his possession a sworn statement, in triplicate, executed by the chief law enforcement officer (sheriff, chief of police, or police precinct captain) of the location wherein such person resides, attesting that (a) there is no provision of law, regulation or ordinance which would be violated by such person's receipt or possession thereof, and (b) that such chief law enforcement officer is satisfied that (1) the receipt or possession of the destructive device, machine gun, short-barreled shotgun, or short-barreled rifle is intended for lawful purposes by the person purchasing or otherwise acquiring such device or weapon, and (2) there is a reasonable necessity for such person to purchase or otherwise acquire the device or weapon, and (3) that such person's receipt or possession of the device or weapon would not be inconsistent with public safety. Such sworn statement shall be distributed in accordance with the provisions contained in Part 179 of this chapter, Machine

Guns and Certain Other Firearms. The sale or delivery of the device or weapon shall not be made until the application for transfer is approved by the Director and returned to the licensee (transferor) as provided in Part 179 of this chapter.

§ 178.99 Certain prohibited sales or deliveries.

(a) A licensed importer, licensed manufacturer, or licensed dealer, or licensed collector shall not sell or deliver any firearm to any person not licensed under this part, or the Federal Firearms Act, and who the licensee knows or has reasonable cause to believe does not reside in (or if a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business or activity is located: *Provided*, That the foregoing provisions of this paragraph (1) shall not apply to the sale or delivery of a rifle or shotgun (curio or relic, in the case of a licensed collector) to a resident of a State contiguous to the State in which the licensee's place of business or activity is located if the purchaser's State of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of sale in both such contiguous States, and the purchaser and the licensee have, prior to the sale, or delivery for sale, of the rifle or shotgun, complied with the requirements of § 178.96(b), (2) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes, and (3) shall not preclude any person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a State other than his State of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other State, from purchasing a rifle or shotgun in such other State from a licensed dealer upon presentation by such person to such dealer a sworn statement, in duplicate, (i) that his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other State, and (ii) identifying the chief law enforcement officer (sheriff, chief of police, or police precinct captain) of the locality in which such person resides (for such dealer's disposition of such sworn statement, see § 178.96(d)).

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or deliver (1) any firearm or ammunition to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 18 years of age, and, if the firearm, or ammunition, is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the importer, manufacturer, dealer, or collector knows or has reasonable cause to believe is less than 21 years of age, or (2) any firearm or ammunition to any person in any State where the purchase or possession by such person of such firearm or ammunition would be in violation of any State law or any published ordinance applicable at the place of sale, delivery or other dis-

position, unless the importer, manufacturer, dealer or collector knows or has reasonable cause to believe that the purchase or possession would not be in violation of such State law or such published ordinance.

(c) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person (1) is except as provided under § 178.143, under indictment for, or, except as provided under § 178.144, has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201(v) of the Federal Food, Drug, and Cosmetic Act), or narcotic drug (as defined in section 4731(a) of the Internal Revenue Code of 1954), or (4) has been adjudicated as a mental defective or has been committed to any mental institution.

§ 178.100 Record of transactions.

Every licensee shall maintain firearms records in such form and manner as is prescribed by Subpart H of this part.

Subpart G—Importation

§ 178.111 General.

(a) Section 922(a)(3) of the Act makes it unlawful, with certain exceptions not pertinent here, for any person other than a licensee, to transport into or receive in the State where he resides any firearm purchased or otherwise obtained by him outside of that State. However, section 925(a)(4) provides a limited exception for the transportation, shipment, receipt or importation of certain firearms and ammunition by certain members of the United States armed forces. Section 922(1) of the Act makes it unlawful for any person knowingly to import or bring into the United States or any possession thereof any firearm or ammunition except as provided by section 925(d) of the Act, which section provides standards for importing or bringing firearms or ammunition into the United States. Accordingly, no firearm or ammunition may be imported or brought into the United States except as provided by this part.

(b) Where a firearm or ammunition is imported and the authorization for importation required by this subpart has not been obtained by the person importing same, such person shall:

(1) Store, at his expense, such firearm or ammunition at a facility designated by U.S. Customs to await the issuance of the required authorization or other disposition; or

(2) Abandon such firearm or ammunition to the U.S. Government; or

(3) Export such firearm or ammunition.

§ 178.112 Importation by a licensed importer.

(a) No firearm or ammunition shall be imported or brought into the United

States by a licensed importer (as defined in § 178.11) unless (1) if a firearm, it is identified as required by this part, and (2) the Director has authorized the importation of the firearm or ammunition, or (3) the firearm or ammunition is listed on the Importation List compiled by the Director as provided by paragraph (c) of this section.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof under this section shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and license number of the importer, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size (if ammunition) or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm to be imported, (4) the country from which to be imported, (5) the name and address of the foreign seller and the foreign shipper, (6) verification that if a firearm, it will be identified as required by this part, and (7) (i) if imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm by section 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. In determining whether a firearm or ammunition is particularly suitable for or readily adaptable to sporting purposes, the Director may seek the recommendation of the advisory board authorized by paragraph (c) of this section. If the Director approves the application, such approved application shall serve as the permit to import the firearms or ammunition described therein, and importation of such firearms or ammunition may continue to be made by the licensed importer under the approved application (permit) during the period specified thereon. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the licensed importer shall be notified of the basis for the disapproval.

(c) The Director may compile an Importation List of firearms and ammunition which he determines to be generally recognized as particularly suitable for or readily adaptable to sporting purposes. The determination of the Director that a firearm or ammunition is generally recognized to be particularly suitable for or readily adaptable to sporting purposes may be made with the assistance of an advisory board to be appointed by the Commissioner. Such board may be composed of persons from within and without governmental agencies who are recognized as being particularly knowledgeable in the use and classification of firearms and ammunition. No firearm shall be placed on the Importation List unless it is found that (1) the caliber or gauge of the firearm is suitable for use in a recognized shooting sport, (2) the type of firearm is generally recognized as particularly suitable for or readily adaptable to such use, and (3) the use of the firearm in a recognized shooting sport will not endanger the person using it due to deterioration through such use or because of inferior workmanship, materials or design. No ammunition shall be placed on the Importation List unless it is found that (i) the caliber, size or gauge of the ammunition is suitable for use in a recognized shooting sport, (ii) the type of ammunition is generally recognized as particularly suitable for or readily adaptable to such use, and (iii) the use of the ammunition in a recognized shooting sport will not endanger the person using it.

(d) A firearm or ammunition imported or brought into the United States by a licensed importer may be released from Customs custody to the licensed importer upon his showing that he has obtained a permit from the Director for the importation of the firearm or ammunition to be released, or that the firearm or ammunition appears on the Importation List. In obtaining the release from Customs custody of a firearm or ammunition authorized by this section to be imported through use of a permit or because the firearm or ammunition appears on the Importation List, the licensed importer shall prepare Form 6A (Firearms), in duplicate, and furnish the original Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensed importer maintains his place of business. The Form 6A (Firearms) shall show the name, address, and license number of the importer, the name of the manufacturer of the firearm or ammunition, the country of manufacture, the type model, and caliber, size (if ammunition) or gauge, and the number of firearms or rounds of ammunition released.

(e) Within 15 days of the date of release from Customs custody, the licensed importer shall (1) forward to the Assistant Regional Commissioner a copy of Form 6A (Firearms) on which shall be reported any error or discrepancy ap-

pearing on the Form 6A (Firearms) certified by Customs, (2) pursuant to § 178.92, place all required identification data on each imported firearm if same did not bear such identification data at the time of its release from Customs custody, and (3) post in the records required to be maintained by him under Subpart H of this part, all required information regarding the importation.

§ 178.113 Importation by other licensees.

(a) No person other than a licensed importer (as defined in § 178.11) shall engage in the business of importing firearms or ammunition. Therefore, no firearm or ammunition shall be imported or brought into the United States or a possession thereof by any licensee other than a licensed importer unless the Director issues a permit authorizing the importation of the firearm or ammunition.

(b) An application for a permit, Form 6 (Firearms), to import or bring a firearm or ammunition into the United States or a possession thereof by a licensee, other than a licensed importer, shall be filed, in triplicate, with the Director. The application shall contain (1) the name, address, and the license number of the applicant, (2) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size (if ammunition) or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (3) the unit cost of the firearm or ammunition to be imported, (4) the name and address of the foreign seller and the foreign shipper, (5) the country from which the firearm or ammunition is to be imported, (6) except as provided in paragraph (e) of this section, verification that the firearm to be imported will be identified as required by this part, and (7) (i) if the firearm or ammunition is being imported or brought in for scientific or research purposes, a statement describing such purposes, or (ii) if for use in connection with competition or training pursuant to chapter 401 of title 10, U.S.C., a statement describing such intended use, or (iii) if an unserviceable firearm (other than a machine gun) being imported as a curio or museum piece, a description of how it was rendered unserviceable and an explanation of why it is a curio or museum piece, or (iv) if a firearm, other than a surplus military firearm, of a type that does not fall within the definition of a firearm under 5845(a) of the Internal Revenue Code of 1954, and is for sporting purposes, an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (v) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammu-

nition described therein. The Director shall furnish the approved application (permit) to the applicant and retain two copies thereof for administrative use. If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(c) A firearm or ammunition imported or brought into the United States or a possession thereof under the provisions of this section may be released from Customs custody to the licensee importing the firearm or ammunition upon his showing that he has obtained a permit from the Director for the importation. In obtaining the release of the firearm or ammunition from Customs custody, the licensee importing same shall prepare Form 6A (Firearms), in duplicate, and furnish the original Form 6A (Firearms) to the Customs officer releasing the firearm or ammunition. The Customs officer shall, after certification, forward the Form 6A (Firearms) to the Assistant Regional Commissioner for the region wherein the licensee importing the firearm or ammunition maintains his licensed premises. The Form 6A (Firearms) shall show the name, address, and the license number of the licensee, the name of the manufacturer, the country of manufacture, and the type, model, and caliber, size (if ammunition) or gauge of the firearm or ammunition so released, and, if applicable, the number of firearms or rounds of ammunition released.

(d) Within 15 days of the date of release from Customs custody, the licensee importing the firearm or ammunition shall (1) in the case of an imported firearm, place all required identification data required by this part (except as provided in paragraph (e) of this section) on the firearm if the firearm did not possess such identification data at the time of its release from Customs custody, and (2) forward to the Assistant Regional Commissioner a copy of Form 6A (Firearms) on which shall be reported any error or discrepancy appearing on the Form 6A (Firearms) certified by Customs, and the identification serial number of the firearm or the identifying marks of the ammunition. When a firearm imported under the provisions of this section does not possess an identifying serial number at the time of its release from Customs custody, the licensee importing such firearm shall obtain an identifying serial number from the Assistant Regional Commissioner.

(e) Notwithstanding the identification requirements of § 178.92 a firearm imported or brought into the United States or a possession thereof under this section shall not be required to bear the name, city, and State of the licensee so importing or bringing in the firearm.

§ 178.114 Importation by members of the U.S. Armed Forces.

(a) For the purposes of this section, (1) a member of the U.S. Armed Forces on active duty shall be considered to be a resident of the State in which his permanent duty station is located, and

(2) the term "United States" when used in other than "United States Armed Forces" shall mean each of the several States and the District of Columbia.

(b) The Director may issue a permit authorizing the importation of a firearm or ammunition into the United States to the place of residence of any member of the U.S. Armed Forces who is on active duty outside the United States, or who has been on active duty outside the United States within the 60-day period immediately preceding the intended importation. An application for such a permit, Form 6 (Firearms), shall be filed, in triplicate, with the Director. The application shall contain (1) the name and current address of the applicant, (2) certification that the transportation, receipt, or possession of the firearm or ammunition to be imported would not constitute a violation of any provision of the Act, Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 236), or of any State law or local ordinance at the place of the applicant's residence, (3) a description of the firearm or ammunition to be imported, including type (e.g.: rifle, shotgun, pistol, revolver), model, caliber, size (if ammunition) or gauge, barrel length (if a firearm), country of manufacture, and name of the manufacturer, (4) the unit cost of the firearm or ammunition to be imported, (5) the name and address of the foreign seller (if applicable) and the foreign shipper, (6) the country from which the firearm or ammunition is to be imported, (7) verification that, if a firearm, proper identification data will be placed on the firearm, (8) (i) that the firearm or ammunition being imported is for the personal use of the applicant, and (ii) if the firearm is being imported for sporting purposes, a statement that the firearm is not a surplus military firearm, that it does not fall within the definition of a firearm under 5845(a) of the Internal Revenue Code of 1954, and an explanation of why the applicant believes the firearm is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (iii) if ammunition being imported for sporting purposes, a statement why the applicant believes it is generally recognized as particularly suitable for or readily adaptable to sporting purposes, or (iv) if a firearm being imported as a type determined by the Department of Defense to be normally classified as a war souvenir, a copy of such determination or other proof or evidence of such determination, and (9) the applicant's date of birth, his rank or grade, his place of residence, his present foreign duty station or his last foreign duty station, as the case may be, the date of his reassignment to a duty station within the United States, if applicable, and the military branch of which he is a member. If the Director approves the application, such approved application shall serve as the permit to import the firearm or ammunition described therein. The Director shall furnish the approved application (permit) to the applicant and shall retain the two copies thereof for administrative purposes.

If the Director disapproves the application, the applicant shall be notified of the basis for the disapproval.

(c) Upon receipt of an approved application (permit) to import the firearm or ammunition, the applicant shall proceed in accordance with the provisions contained in § 178.113 (c)-(e). However, where the applicant is on active duty outside the United States, he may appoint, in writing, an agent to obtain the release of the firearm or ammunition from Customs custody for him. Such agent shall present sufficient identification of himself and the written authorization to act on behalf of the applicant to the Customs officer who is to release the firearm or ammunition. Such agent shall also be responsible for ensuring that all provisions contained in § 178.113 (c)-(e) are fully met.

§ 178.115 Exempt importation.

(a) Firearms and ammunition may be brought into the United States or any possession thereof by any person who can establish to the satisfaction of Customs that such firearm or ammunition was previously taken out of the United States or any possession thereof by such person.

(b) Firearms and ammunition may be imported or brought into the United States by or for the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof. A firearm or ammunition imported or brought into the United States under this paragraph may be released from Customs custody upon a showing that the firearm or ammunition is being imported or brought into the United States by or for such a governmental entity.

(c) The provisions of this subpart shall not apply with respect to the importation into the United States of any antique firearm.

§ 178.116 Conditional importation.

The Director may permit the conditional importation or bringing into the United States or any possession thereof of any firearm or ammunition for the purpose of examining and testing the firearm or ammunition in connection with making a determination as to whether the importation or bringing in of such firearm or ammunition will be authorized under this part. An application for such conditional importation shall be filed, in duplicate, with the Director. The Director may impose conditions upon any importation under this section including a requirement that the firearm or ammunition be shipped directly from Customs custody to the Director and that the person importing or bringing in the firearm or ammunition must agree to either export the firearm or ammunition or destroy same if a determination is made that the firearm or ammunition may not be imported or brought in under this part. A firearm or ammunition imported or brought into the United States or any possession thereof under the provisions of this section shall be released from Customs custody in the manner prescribed in the conditional authorization issued by the Director.

tion shall be released from Customs custody in the manner prescribed in the conditional authorization issued by the Director.

Subpart H—Records

§ 178.121 General.

(a) The records prescribed by this part shall be in permanent form, and shall be retained on the licensed premises in the manner prescribed by this subpart.

(b) Internal revenue officers may enter the premises of any licensed importer, licensed manufacturer, licensed dealer, or licensed collector for the purpose of examining or inspecting any record or document required by or obtained under this part (see § 178.23). Section 923(g) of the Act requires licensed importers, licensed manufacturers, licensed dealers, and licensed collectors to make such records available for such examination or inspection at all reasonable times.

(c) Each licensed importer, licensed manufacturer, licensed dealer, and licensed collector shall maintain such records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of firearms and ammunition as the regulations contained in this part prescribe. Section 922(m) of the Act makes it unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector knowingly to make any false entry in, to fail to make appropriate entry in, or to fail to properly maintain any such record.

§ 178.122 Records maintained by importers.

(a) Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, model, caliber or gauge, manufacturer, country of manufacture, and the serial number of each firearm he imports or otherwise acquires, and the date such importation or other acquisition was made. Each licensed importer shall, within 15 days of the date of importation or other acquisition, record the type, caliber, size or gauge, manufacturer, country of manufacture, serial number (if any), and any other identifying marks of the ammunition he imports or otherwise acquires, and the date such importation or other acquisition was made.

(b) A separate record of firearms and ammunition disposed of by a licensed importer to another licensee shall be maintained by the licensed importer on his licensed premises and shall show the quantity, type, manufacturer, country of manufacture, caliber, size (if ammunition) or gauge, serial number (and in the case of ammunition, the identifying marks), and the name, address, license number and the method of verifying the licensed status of the licensee to whom the firearms and ammunition were transferred. The information required by this paragraph shall be entered in a permanent record book not later than the close of the next business day following the date of the transaction, and such information shall be recorded under the following format:

Quantity	Type	Manufacturer	Country of manufacture	Caliber, size or gauge	Model	Serial No.	Name, address, and license No. of licensee to whom transferred	Method of verifying license status of the licensee	Date of the transaction

(c) Notwithstanding the provisions of paragraph (b) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed importer to record his disposal of firearms and ammunition when it is shown by the licensed importer that such alternate records will accurately and readily disclose the information required by paragraph (b) of this section. A licensed importer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed importer until approval in such regard is received from the Assistant Regional Commissioner.

(d) Each licensed importer shall maintain separate records of the sales or other dispositions made of firearms and ammunition to nonlicensees. Such records shall be maintained in the form and manner as prescribed by § 178.124 in regard to firearms transaction records, and by §§ 178.124 and 178.125 in regard to firearms transaction records and records of dispositions made of firearms and ammunition.

§ 178.123 Records maintained by manufacturers.

(a) Each licensed manufacturer shall record the type, model, caliber or gauge, and serial number of each complete firearm he manufactures or otherwise acquires, and the date such manufacture or other acquisition was made. Each licensed manufacturer shall record the type, caliber, size or gauge, serial number (if any), and any other identifying marks of the ammunition he manufactures or otherwise acquires. The information required by this paragraph shall be recorded not later than the close of the next business day following the date such manufacture or other acquisition was made.

(b) A record of firearms and ammunition disposed of by a licensed manufacturer to another licensee shall be maintained by the licensed manufacturer on his licensed premises and shall show the quantity, type, caliber, size (if ammunition) or gauge, serial number (and in the case of ammunition, the identifying marks), and the name, address, license number and method of verifying the licensed status of the licensee to whom the firearms and ammunition were transferred. The information required by this paragraph shall be entered in a permanent record book not later than the close of the next business day following the date of the transaction, and such information shall be recorded under the format prescribed by § 178.122 except that the name of the

manufacturer and the country of manufacture need not be recorded if the firearm or ammunition is of the manufacturer's own manufacture.

(c) Notwithstanding the provisions of paragraph (b) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed manufacturer to record his disposal of firearms and ammunition when it is shown by the licensed manufacturer that such alternate records will accurately and readily disclose the information required by paragraph (b) of this section. A licensed manufacturer who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed manufacturer until approval in such regard is received from the Assistant Regional Commissioner.

(d) Each licensed manufacturer shall maintain separate records of the sales or other dispositions made of firearms and ammunition to nonlicensees. Such records shall be maintained in the form and manner as prescribed by § 178.124 in regard to firearms transaction records, and by §§ 178.124 and 178.125 in regard to firearms transaction records and records of dispositions made of firearms and ammunition.

§ 178.124 Firearms transaction record.

(a) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or otherwise dispose, temporarily or permanently, of any firearm to any person, other than another licensee, unless he records the transaction on a Form 4473, Firearms Transaction Record. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall retain, in chronological order and as a part of his permanent records, each Form 4473 he obtains in the course of transferring custody of his firearms.

(b) Prior to transferring a firearm to a nonlicensee, the licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall obtain a Form 4473 from the transferee showing the name, address, date and place of birth, height, weight, and race of the transferee and showing that the receipt or possession of the firearm by the transferee would not be in violation of any provisions of the Act. The transferee shall, if he is obtaining the firearm by intrastate mail order or otherwise is not appearing in person at the licensee's premises, or is a resident of a contiguous State, execute and date the statement required by section 922(c) of the Act and contained on the Form 4473, and attach thereto a true

copy of any permit or other information required pursuant to any statute of the State and published ordinance applicable to the locality in which he resides. The licensee shall identify the firearm to be transferred by listing in the Form 4473 the name of the manufacturer, the name of the importer (if any), the type, model, caliber or gauge, and the serial number of the firearm. Before transferring the firearm described in the Form 4473, the licensee shall, in the case of an over-the-counter transaction, cause the transferee to identify himself in any manner customarily used in commercial transactions (e.g.: a driver's license), and shall note on the form the method used. In the case of a transaction other than an over-the-counter transaction, the licensee shall obtain verification as to the identity of the transferee through certification on the Form 4473 by a notary public, or a Federal, State, or local law enforcement officer of the locality wherein the transferee resides, attesting that such official knows or has established the identity of the transferee.

(c) A licensee who sells or otherwise disposes of a firearm to a nonlicensee who is other than an individual, shall obtain from the transferee the information required by paragraph (b) of this section from an individual authorized to act on behalf of the transferee. In addition, the licensee shall obtain from the individual acting on behalf of the transferee a written statement, executed under the penalties of perjury, that the firearm is being acquired for the use of and will be the property of the transferee, and showing the name and address of that transferee.

(d) Form 4473 shall be prepared and submitted in duplicate to the licensee by a transferee who is purchasing or otherwise acquiring a firearm by other than an over-the-counter transaction, or who is a resident of a contiguous State. Upon receipt of such Forms 4473, the licensee shall (1) prior to shipment or delivery of the firearm to such transferee, forward by registered or certified mail (return receipt requested) a copy of the Form 4473 to the chief law enforcement officer named in the Form 4473 by the transferee, and (2) delay shipment or delivery of the firearm to the transferee for a period of at least 7 days following receipt by the licensee of (i) the return receipt evidencing delivery of the copy of the return, Form 4473, to such chief law enforcement officer, or (ii) the return of the copy of the return, Form 4473, to him due to the refusal of such chief law enforcement officer to accept same in accordance with U.S. Post Office Department regulations. The original Form 4473, and evidence of receipt or rejection of delivery of the copy of the return, Form 4473, sent to the chief law enforcement officer shall be retained by the licensee as a part of the records required of him to be kept under this subpart.

(e) A licensee shall attach to and make a part of the related Form 4473 he retains for his records, the sworn statement furnished to him pursuant to § 178.96(d) or § 178.98.

(f) The requirements of this section shall be in addition to any other record-keeping requirement contained in this part.

(g) A licensee may obtain, upon request, a supply of Form 4473 from any Assistant Regional Commissioner or any District Director.

§ 178.125 Record of receipt and disposition.

(a) Each licensed dealer shall prepare a permanent record of each firearm and of the ammunition in his inventory on the effective date of this part, and thereafter enter in such record each receipt and each disposition of firearms and ammunition. Each licensed collector shall upon receipt of his license prepare a permanent record of each curio and relic in his collection, and thereafter enter in such record each receipt and disposition of curios and relics. The record required by this paragraph shall be maintained in bound form under the format prescribed below. The purchase or other acquisition of a firearm or ammunition by the licensed dealer, or of a curio or relic by a licensed collector, must be recorded not later than the close of the next business day following the

date of such purchase or acquisition. The record shall show the date each firearm, ammunition, curio or relic, was purchased or otherwise acquired, the type, manufacture, importer (if any), caliber, size (if ammunition) or gauge, model, name and address of the person from whom received, and the serial number of the firearm, or firearm curio or relic, or the serial number, or other identifying marks of the ammunition. The sale or other disposition of a firearm, ammunition, curio or relic shall be recorded by the licensed dealer or the licensed collector at the time of such transaction, and the information prescribed for the record required by this paragraph shall be in addition to the firearms transaction record, Form 4473, required by § 178.124 of this part. The record shall show the date of the sale or other disposition of each firearm, ammunition, curio, or relic, the name, address, and the license number (if any) and the date of birth of the transferee if such person is not a licensee. The record required by this paragraph shall be maintained in chronological order by date the firearms, ammunition, curios or relics are purchased or otherwise acquired. The format required for the record of receipt and disposition is:

ACQUISITION

Date	Type	Manufacturer	Importer (if any)	Model	Caliber, size (if ammunition) or gauge	Serial No. (and/or identifying marks, if ammunition)	Name and address of person from whom received

DISPOSITION

Date	Name of person to whom transferred	Address of person to whom transferred	License No. (if a licensee)	Date of birth (if a nonlicensee)	Method of verifying the identity of the purchaser

(b) Notwithstanding the provisions of paragraph (a) of this section, the Assistant Regional Commissioner may authorize alternate records to be maintained by a licensed dealer or a licensed collector to record his acquisition and disposal of firearms and ammunition, or curios and relics, when it is shown by the licensed dealer or the licensed collector that such alternate records will accurately and readily disclose the information required by paragraph (a) of this section. A licensed dealer or licensed collector who proposes to use alternate records shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate records and the need therefor. Such alternate records shall not be employed by the licensed dealer or the licensed collector until approval in such regard is received from the Assistant Regional Commissioner.

(c) Each licensed importer and licensed manufacturer selling or otherwise disposing of firearms or ammunition to nonlicensees shall maintain such records of such transactions as are required of licensed dealers and licensed collectors by paragraph (a) of this section.

(d) Each licensed importer and licensed manufacturer selling or otherwise disposing of firearms to nonlicensees shall maintain such records of such transactions as are required of licensed dealers and licensed collectors by § 178.124.

§ 178.126 Furnishing transaction information.

(a) Each licensee shall, when required by letter issued by the Assistant Regional Commissioner, and until notified to the contrary in writing by such officer, submit on Form 4483, Report of Firearms Transactions, for the periods and at the times specified in the letter issued by the Assistant Regional Commissioner, all record information required by this subpart, or such lesser record information as the Assistant Regional Commissioner in his letter may specify.

(b) The Assistant Regional Commissioner may authorize the information to be submitted in a manner other than that prescribed in paragraph (a) of this section when it is shown by a licensee that an alternate method of reporting is reasonably necessary and will not unduly hinder the effective administration of this part. A licensee who proposes to use

an alternate method of reporting shall submit a letter application, in duplicate, to the Assistant Regional Commissioner and shall describe the proposed alternate method of reporting and the need therefor. An alternate method of reporting shall not be employed by the licensee until approval in such regard is received from the Assistant Regional Commissioner.

§ 178.127 Discontinuance of business.

Where a firearms or ammunition business is discontinued and succeeded by a new licensee, the records prescribed by this subpart shall appropriately reflect such facts and shall be delivered to the successor. Where discontinuance of the business is absolute, the records prescribed by this subpart shall be delivered within 30 days following the business discontinuance to the Assistant Regional Commissioner for the internal revenue region in which the business was operated: *Provided, however,* Where State law or local ordinance requires the delivery of records to other responsible authority, the Assistant Regional Commissioner may arrange for the delivery of the records required by this subpart to such authority.

Subpart I—Exemptions

§ 178.141 General.

The provisions of this part shall not apply with respect to:

(a) The transportation, shipment, receipt, or importation of any firearm or ammunition imported for, sold or shipped to, or issued for the use of, the United States or any department or agency thereof or any State or any department, agency, or political subdivision thereof.

(b) The shipment or receipt of firearms or ammunition when sold or issued by the Secretary of the Army pursuant to section 4308 of title 10, U.S.C., and the transportation of any such firearm or ammunition carried out to enable a person, who lawfully received such firearm or ammunition from the Secretary of the Army, to engage in military training or in competitions.

(c) The shipment, unless otherwise prohibited by the Act or any other Federal law, by a licensed importer, licensed manufacturer, or licensed dealer to a member of the U.S. Armed Forces on active duty outside the United States or to clubs, recognized by the Department of Defense, whose entire membership is composed of such members of the U.S. Armed Forces, and such members or clubs may receive a firearm or ammunition determined by the Director to be generally recognized as particularly suitable for sporting purposes and intended for the personal use of such member or club. Before making a shipment of firearms or ammunition under the provisions of this paragraph, a licensed importer, licensed manufacturer, or licensed dealer may submit a written request, in duplicate, to the Director for a determination by the Director whether such shipment would constitute a violation of the Act or any other Federal law, or whether the firearm or ammunition is considered by the Director to be generally recognized

as particularly suitable for sporting purposes.

(d) The transportation, shipment, receipt, or importation of any antique firearm.

§ 178.142 Effect of Presidential pardon.

A pardon granted by the President of the United States regarding a conviction for a crime punishable by imprisonment for a term exceeding 1 year shall remove any disability which otherwise would be imposed by the provisions of this part in respect to that conviction.

§ 178.143 Relief from disabilities incurred by indictment.

A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding 1 year may, notwithstanding any other provision of the Act, continue operations pursuant to his existing license during the term of such indictment and until any conviction pursuant to the indictment becomes final: *Provided*, That if the term of the license expires during the period between the date of the indictment and the date the conviction thereunder becomes final, such importer, manufacturer, dealer, or collector must file a timely application for the renewal of his license in order to continue operations. Such application shall show that the applicant is under indictment for a crime punishable by imprisonment for a term exceeding 1 year.

§ 178.144 Relief from disabilities incurred by conviction.

(a) Any person may make application for relief from the disabilities under Federal law incurred by reason of a conviction of a crime punishable by imprisonment for a term exceeding 1 year if such conviction was not of a crime involving the use of a firearm or other weapon or a violation of the Act or the National Firearms Act.

(b) An application for such relief shall be addressed to the Commissioner and shall include such supporting data as the applicant deems appropriate. In the case of a corporation, the supporting data should include information as to the absence of culpability in the offense of which the corporation was convicted, or of any person having the power to direct or control the management of the corporation, if such be the fact. The application shall be filed, in triplicate, with the Assistant Regional Commissioner for the internal revenue region wherein the applicant resides, and, if applicable, wherein the applicant desires to conduct his business or activity.

(c) The Commissioner may grant relief to an applicant if it is established to the satisfaction of the Commissioner that the circumstances regarding the conviction, and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

(d) Whenever the Commissioner grants relief to any person pursuant to this section, he shall promptly publish in the *FEDERAL REGISTER* notice of such action, together with the reasons therefor.

(e) A person who has been granted relief under this section shall be relieved of any disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of such conviction.

(f) (1) A licensee who is convicted of a crime punishable by imprisonment for a term exceeding 1 year during the term of a current license or while he has pending a license renewal application, and who qualifies under this section to file an application for removal of disabilities resulting from such conviction, shall not be barred from licensed operations for 30 days after the date upon which his conviction becomes final, and if he files his application for relief as provided by this section within such 30-day period, he may further continue licensed operations during the pendency of his application. A licensee who is not qualified under this section to file an application for relief or, if so qualified, does not file such application within 30 days from the date his conviction becomes final shall not continue licensed operations beyond 30 days from the date his conviction becomes final.

(2) In the event the term of a license of a person qualified to seek relief under this section expires during the 30-day period following the date upon which his conviction becomes final or during the pendency of his application for relief, he must file a timely application for renewal of his license in order to continue licensed operations. Such license application shall show that the applicant has been convicted of a crime punishable by imprisonment for a term exceeding 1 year.

(3) A licensee shall not continue licensed operations beyond 30 days following the date the Commissioner issues notification that the licensee's application for removal of disabilities resulting from a conviction has been denied.

(4) When as provided in this section a licensee may no longer continue licensed operations, any application for renewal of license filed by the licensee during the term of his indictment or the pendency of his application for removal of disabilities resulting from such conviction, shall be denied by the Assistant Regional Commissioner.

§ 178.145 Research organizations.

The provisions of this part with respect to the sale or delivery of destructive devices, machine guns, short-barreled shotguns, and short-barreled rifles shall not apply to the sale or delivery of such devices and weapons to any research organization designated by the Director to receive same. A research organization desiring such designation shall submit a letter application, in duplicate, to the Director. Such application shall contain the name and address of the research organization, the names and addresses of the persons directing

or controlling, directly or indirectly, the policies and management of such organization, the nature and purpose of the research being conducted, a description of the devices and weapons to be received, and the identity of the person or persons from whom such devices and weapons are to be received.

§ 178.146 Deliveries by mail to certain persons.

The provisions of this part shall not be construed as prohibiting a licensed importer, licensed manufacturer, or licensed dealer from depositing a firearm for conveyance in the mails to any officer, employee, agent, or watchman who, pursuant to the provisions of section 1715 of title 18, U.S.C., is eligible to receive through the mails pistols, revolvers, and other firearms capable of being concealed on the person, for use in connection with his official duties.

§ 178.147 Repair of firearm.

A person not otherwise prohibited by Federal, State or local law may ship a firearm to a licensed importer, licensed manufacturer, or licensed dealer for the sole purpose of repair or customizing, notwithstanding any other provision of this part, the licensed importer, licensed manufacturer, or licensed dealer may return in interstate or foreign commerce to that person the repaired firearm or a replacement firearm of the same kind and type.

§ 178.148 Ammunition loading for personal use.

The licensing provisions of this part shall not apply to any person who engages only in hand loading, reloading, or custom loading ammunition for his own firearm, and who does not hand load, reload, or custom load ammunition for others.

Subpart J—Penalties, Seizures, and Forfeitures

§ 178.161 False statement or representation.

Any person who knowingly makes any false statement or representation with respect to any information required by the provisions of the Act or this part to be kept in the records of a person engaged in firearms or ammunition business, or in applying for any license, exemption, or relief from disability, under the provisions of the Act, shall be fined not more than \$5,000 or imprisonment not more than 5 years, or both.

§ 178.162 Transportation or receipt to commit a crime.

Any person who ships, transports, or receives a firearm or any ammunition in interstate or foreign commerce with intent to commit therewith an offense punishable by imprisonment for a term exceeding 1 year, or with knowledge and reasonable cause to believe that an offense punishable by imprisonment for a term exceeding 1 year is to be committed therewith, shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

§ 178.163 Commission of a Federal crime.

Any person who uses a firearm to commit any felony which may be prosecuted in a court of the United States, or carries a firearm unlawfully during the commission of any felony which may be prosecuted in a court of the United States, shall be sentenced to a term of imprisonment for not less than 1 year nor more than 10 years. In the case of a person's second or subsequent conviction under this section, such person shall be sentenced to a term of imprisonment for not less than 5 years nor more than 25 years, and notwithstanding any other provision of law, the court shall not suspend the sentence of such person or give him a probationary sentence.

§ 178.164 Receipt, etc., of firearms by certain persons.

Any person who (a) has been convicted of a felony, (b) has been discharged from the Armed Forces under dishonorable conditions, (c) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, (d) having been a citizen of the United States has renounced his citizenship, or (e) being an alien is illegally or unlawfully in the United States, who receives, possesses, or transports in commerce or affecting commerce, any firearm shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both: *Provided, however,* That the provisions of this section shall not apply to any prisoner who by reason of duties connected with law enforcement has expressly been entrusted with a firearm by competent authority of the prison, or to any person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive as the case may be, to receive, possess, or transport in commerce a firearm.

§ 178.165 Receipt, etc., of firearms by certain employees.

Any individual who to his knowledge and while being employed by any person who (a) has been convicted of a felony, (b) has been discharged from the Armed Forces under dishonorable conditions, (c) has been adjudged by a court of the United States or of a State or any political subdivision thereof of being mentally incompetent, (d) having been a citizen of the United States has renounced his citizenship, or (e) being an alien is illegally or unlawfully in the United States, and who, in the course of such employment, receives, possesses, or transports in commerce or affecting commerce, any firearm shall be fined not more than \$10,000 or imprisoned for not more than 2 years, or both: *Provided, however,* That the provisions of this section shall not apply to an employee employed by a person who has been pardoned by the President of the United States or the chief executive of a State and has expressly been authorized by the President or such chief executive, as the case may be, to

receive, possess, or transport in commerce a firearm.

§ 178.166 Seizure and forfeiture.

Any firearm or ammunition involved in, or used or intended to be used in, any violation of the provisions of the Act or of this part, or in violation of any other criminal law of the United States, shall be subject to seizure and forfeiture, and all provisions of the Internal Revenue Code of 1954 relating to the seizure, forfeiture, and disposition of firearms, as defined in section 5848(a) of that Code, shall, so far as applicable, extend to seizures and forfeitures under the provisions of the Act.

Subpart K—Exportation**§ 178.171 Exportation.**

Firearms and ammunition shall be exported in accordance with the applicable provisions of section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) and regulations thereunder. However, licensed manufacturers, licensed importers, and licensed dealers exporting firearms and ammunition shall maintain records showing the manufacture or acquisition of the firearms and ammunition as required by this part and records showing the name and address of the foreign consignee of the firearms and ammunition and the date the firearms and ammunition were exported.

[F.R. Doc. 68-13482; Filed, Nov. 5, 1968; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1056]

[Ex Parte No. MC-19 (Sub-No. 5)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Determination of Weights

NOVEMBER 1, 1968.

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 21st day of October 1968.

It appearing, that the Interstate Commerce Commission has prescribed rules and regulations, as set forth at 49 CFR 1056.3, for the determination of the weights of shipments of household goods, as defined at 49 CFR 1056.1(a);

And it further appearing, that by petition filed on July 30, 1968, the Household Goods Carriers' Bureau prays that the Commission consider a new subpart to 49 CFR 1056.3 partially relieving household goods carriers from the rules and regulations pertaining to the determination of weights; that this request is supported by the Movers' & Warehousemen's Association of America, Inc.; and good cause appearing therefor:

It is ordered, That a rule-making proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act and section 4

of the Administrative Procedure Act to determine whether and to what extent the motor common carriers of household goods should be relieved from the rules and regulations specified above on shipments of machinery and its auxiliary and component parts.

It is further ordered, That all motor common carriers of household goods operating in interstate or foreign commerce and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons, including the respondents, who wish actively to participate in this proceeding and to file and to receive copies of pleadings shall make known that fact by notifying the Commission in writing on or before December 16, 1968. To conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentation to the greatest extent possible. Individual participation is not precluded; however, mere casual interest does not justify participation. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That: (a) as soon as practicable after December 16, 1968, the Secretary will serve a list of the names and addresses of all persons upon whom service of all verified statements, replies, or other pleadings must be made; (b) within 30 days following the service of such list, any party may file an original and two copies of a verified statement and exhibits thereto with the Commission and one copy upon each party named in the service list; (c) within 10 days thereafter any party may file a reply statement (original and two copies) with the Commission and one copy upon each party named in the service list; (d) within 10 days after the date for replies has expired any party may request a hearing for the purpose of cross-examining any witness submitting a verified statement by notifying the Commission and all parties.

And it is further ordered, That a copy of this order be served upon the Household Goods Carriers' Bureau; the Movers' & Warehousemen's Association of America, Inc.; the motor common carrier respondents; the Public Utility Commission, Board, or similar regulatory body of each State having jurisdiction over the transportation here involved; and that a copy be posted in the office of the Secretary of this Commission; and that a copy be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

By the Commission, Division 2.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13417; Filed, Nov. 5, 1968; 8:46 a.m.]

¹In lieu of verification under oath, any prepared statement may be made subject to the following declaration: "I solemnly declare that I have examined the foregoing document and that the statements of fact contained therein are true." (Signature).

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service CONSTRUCTION-DIFFERENTIAL SUBSIDIES

Applications

OCTOBER 30, 1968.

Applications which have been received for fishing vessel construction-differential subsidies and have been approved, or hearings scheduled, will apparently use all of the funds available during fiscal year 1969. Studies are now being completed which may cause the Secretary of the Interior to change the regulations governing consideration of applications for subsidies which will require funds appropriated for fiscal year 1970, or thereafter. Consequently, no further hearings will be scheduled on vessel construction-differential subsidy applications until the new regulations have been adopted.

H. E. CROWTHER,
Director.

[F.R. Doc. 68-13398; Filed, Nov. 5, 1968;
8:45 a.m.]

[Docket No. S-441]

RICHARD W. AND HELEN R. BROWN

Notice of Loan Application

OCTOBER 30, 1968.

Richard W. Brown and Helen R. Brown, 875 Southwest Bay Boulevard, Newport, Ore. 97365, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 71.1-foot registered length wood vessel to engage in the fishery for shrimp, Dungeness crab, albacore, halibut, hake, and bottomfish.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised) that the above-entitled applications is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will

not cause such economic hardship or injury.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 68-13397; Filed, Nov. 5, 1968;
8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation SALES OF CERTAIN COMMODITIES

November Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The U.S. Department of Agriculture announced the prices at which CCC commodity holdings are available for sale beginning at 3 p.m., e.s.t., on October 31, 1968, and, subject to amendment continuing until superseded by the December Monthly Sales List.

The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, flaxseed, rye, rice, grain sorghum, peanuts, tung oil, butter, cheese, and nonfat dry milk.

Information on the availability of commodities stored in CCC bin sites may be obtained from Agricultural Stabilization and Conservation Service State offices shown at the end of the sales list, and for commodities stored at other locations from ASCS commodity and grain offices also shown at the end of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sale prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material

way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3 or 4) for November 1968 are 6 percent for U.S. bank obligations and 7 percent for foreign bank obligations. Commodities now eligible for financing under the CCC Export Credit Sales Program include oats, wheat, wheat flour, barley, bulgur, corn, cornmeal, grain sorghum, upland and extra long staple cotton, milled and brown rice, tobacco, cottonseed oil, soybean oil, dairy products, tallow, lard, breeding cattle, and rye. Commodities purchased from CCC may be financed for export as private stocks under Announcement GSM-4.

Information on the CCC Export Credit Sales Program and on commodities available under Title I, Public Law 480, private trade agreements, and current information on interest rates and other phases of these programs may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The following commodities are currently available for new and existing barter contracts: Oats, cotton (upland), and tobacco. Wheat and grain sorghum are also available under conditions noted in the individual commodity listings. In addition, free market stocks of corn, grain sorghum, barley, oats, wheat, and wheat flour, under Announcement PS-1; tobacco under Announcement PS-3; cottonseed oil and soybean oil under Announcement PS-2; and upland and extra long staple cotton under Announcement PS-4; are eligible for programming in connection with barter contracts covering procurement for Federal agencies that will reimburse CCC. (However, Hard Red Winter 13 percent protein or higher, Hard Red Spring 14 percent protein or higher, Durum wheats, and flour produced from these wheats may not be exported under barter through west coast ports.) Further information on private-stock commodities may be obtained from the Office of Barter and Stockpiling, Foreign Agricultural Service, USDA, Washington, D.C. 20250.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include

payment by cash or irrevocable letter of credit before delivery of the commodity and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchase from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C. 20250, with respect to all commodities or—for specified commodities—with the designated ASCS commodity office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal, or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions, will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Cuba, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea, and the Communist-controlled area of Viet Nam except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule § 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporter should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 115 percent of the 1968 price-support loan rate for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel in-store).*¹

Markup in-store received by—		Examples
Truck	Rail or barge	
\$0.10	\$0.07½	Minneapolis—No. 1 DNS (\$1.56) 115 percent +\$0.07½; \$1.87½. Portland—No. 1 SW (\$1.44) 115 percent +\$0.07½; \$1.73½. Kansas City—No. 1 HRW (\$1.44) 115 percent +\$0.07½; \$1.73½. Chicago—No. 1 RW (\$1.46) 115 percent +\$0.07½; \$1.75½.

Export.

A. CCC will sell limited quantities of Hard Red Winter and Hard Red Spring wheat at west coast ports at domestic market price levels for export under Announcement GR-345 (Revision IV, Oct. 30, 1967, as amended) as follows:

(1) Offers will be accepted subject to the purchasers' furnishing the Portland ASCS

See footnotes at end of document.

Branch Office with a Notice of Sale containing the same information (excluding the subsidy acceptance number) as required by exporters who wish to receive an export payment under GR-345. The Notice of Sale must be furnished to the Commodity Office within 5 calendar days after the date of purchase.

(2) Sales will be made only to fill dollar market sales abroad and exporter must show export from the west coast to a destination west of the 170th meridian, west longitude, and east of the 60th meridian, east longitude, and to countries on the west coast of Central and South America.

B. CCC will sell wheat for export under Announcement GR-261 (Revision II, Jan. 9, 1961, as amended and supplemented) subject to the following:

(1) All classes will be sold subject to offers which include the price at which the buyer proposes to purchase the wheat.

(2) All classes will be sold to fill dollar market sales abroad and exporter must show export from the west coast to a destination within the geographical limitation shown in A(2) above.

(3) All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, CCC-owned wheat will not be sold for barter at west coast ports.

C. Announcement GR-262 (Revision II, Jan. 9, 1961, as amended) for export as flour as follows: All classes will be sold for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1966. However, sales for barter will not be made at west coast ports.

D. CCC will not sell wheat under Announcement GR-346 until further notice.

Available, Chicago, Kansas City, Minneapolis, and Portland ASCS offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate¹ for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. General sales.

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate² (published loan rate plus 19 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store¹ basis No. 2 yellow corn 14 percent M.T. 2 percent F.M.).*

Markup in-store	Examples
\$0.05½	Feed grain program domestic PIK certificate minimums: McLean County, Ill. (\$1.09+\$0.02½) 115 percent +\$0.05½; \$1.34½. Agricultural Act of 1949; stat. minimums: McLean County, Ill. (\$1.09+\$0.02½ +\$0.19): 105 percent +\$0.05½; \$1.42½.

Available. Chicago, Kansas City, Minneapolis, and Portland ASCS grain offices.

Export. Limited quantities of corn at East Coast and eastern gulf ports for cash at the market price, as determined by CCC, for export under Announcement GR-212 (Revision 2, Jan. 9, 1961). The statutory minimum price referred to in GR-212 is computed in accordance with B1 of the unrestricted use section for corn.

Available. Kansas City ASCS Commodity Office.

GRAIN SORGHUM, BULK

Unrestricted use.

A. Redemption of domestic payment-in-kind certificates. Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support loan rate² for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. General sales.

1. Storable. Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1968 price-support rate² (published loan rate plus 34 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. Nonstorable. At not less than market price as determined by CCC.

C. Markups and examples (dollars per hundredweight in-store¹ No. 2 or better).

Markup in-store received by—		Examples
Truck	Rail or barge	
\$0.09½	\$0.5½	Feed grain program domestic PIK certificate minimums: Hale County, Tex. (\$1.63) 115 percent +\$0.99½; \$2.62½; Kansas City, Mo. (\$1.81) 115 percent +\$0.05½; \$2.14½; Agricultural Act of 1949; stat. minimums: Hale County, Tex. (\$1.63+\$0.34); 105 percent +\$0.09½; \$2.16½; Kansas City, Mo. (\$1.81+\$0.34); 105 percent +\$0.05½; \$2.31½.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section C. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for application to barter contracts entered into pursuant to invitations for barter offers dated prior to August 26, 1968, and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

See footnotes at end of document.

BARLEY, BULK

Unrestricted use.

A. Storable. Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rate² for the class, grade, and quality of the barley plus the applicable markup.

B. Markups and examples (dollars per bushel in-store¹ No. 2 or better).

Markup in-store received by—		Examples
Truck	Rail or barge	
\$0.10	\$0.07½	Cass County, N. Dak. (\$0.86); 115 percent +\$0.10; \$1.10; Minneapolis, Minn. (\$1.10); 115 percent +\$0.07½; \$1.34½.

C. Nonstorable. At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for barley. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Minneapolis, and Portland grain offices.

OATS, BULK

Unrestricted use.

A. Storable. Market price, as determined by CCC, but not less than 115 percent of the applicable 1968 price-support rates² for the class, grade, and quality of the oats plus the markup shown in B below.

B. Markup and examples (dollars per bushel in-store¹ Basis No. 2 XHWO).

Markup in-store		Examples
Truck	Rail or barge	
\$0.010		Redwood County, Minn. (\$0.60+\$0.03 quality differential); 115 percent +\$0.10; \$0.83.

C. Nonstorable. At not less than the market price as determined by CCC.

Export. Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to barter contracts and for cash or other designated sales.

Available. Kansas City, Chicago, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. Storable. Market price, as determined by CCC, but not less than the Agricultural

Act of 1949 formula price which is 115 percent² of the applicable 1968 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. Markups and examples (dollars per bushel in-store¹ No. 2 or better).

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
\$0.10	\$0.07½	Rollete County, N. Dak. (\$0.86); 115 percent +\$0.10; \$1.13; Minneapolis, Minn. (\$1.23); 115 percent +\$0.07½; \$1.49½.

C. Nonstorable. At not less than market price as determined by CCC.

Export.

Sales are made at the higher of the domestic market price, as determined by CCC, or 115 percent of the applicable 1968 price-support loan rate plus carrying charges in section B. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcement is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcement:

A. Announcement GR-212 (Revision 2, Jan. 9, 1961) for cash or other designated sales.

Available. Chicago, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1968 loan rate plus 5 percent plus 22 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR-369, Revision III, as amended, Rice Export Program.

Available. Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive offers under the terms and conditions of Announcement NO-C-32 (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price-support programs will be sold at the highest price offered but in no event at less than the higher of (a) 110 percent of the 1968 loan rate for such cotton, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO-C-31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Short-fall," and Under Barter Transactions), as amended. Cotton may be acquired at its current market price, as determined by CCC, but not less than a minimum price determined by CCC, which will in no event be less than 120 points (1.2 cents) per pound above the 1968 loan rate for such cotton.

Export.

CCC disposals for barter. Competitive offers under the terms and conditions of Announcements CN-EX-28 (Acquisition of Upland Cotton for Export Under the Barter Program), and NO-C-31 (described above), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcements NO-C-6. (Revised July 22, 1960), as amended, and NO-C-10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Barter. Extra long staple cotton will also be available under terms and conditions to be issued in the near future.

COTTON, UPLAND OR EXTRA LONG STAPLE

Unrestricted use.

Competitive offers under the terms and conditions of Announcement NO-C-20 (Sale of Special Condition Cotton). Any such cotton (Below Grade, Sample Loose, Damaged Pickings, etc.) owned by CCC will be offered for sale periodically on the basis of samples representing the cotton according to schedules issued from time to time by CCC.

Availability information.

Sale of cotton will be made by the New Orleans ASCS Commodity Office, Sales announcements, related forms and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED OR FARMERS STOCK

Restricted use sales.

When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga.

Peanut Growers Cooperative Marketing Association, Franklin, Va.

Southwestern Peanut Growers' Association, Gorman, Tex.

Terms and conditions of sale are set forth in Announcement PR-1 of July 1, 1966, as amended, and the applicable lot list.

1. Shelled peanuts of less than U.S. No. 1 grade may be purchased for foreign or domestic crushing.

2. Farmers stock: Segregation 1 may be purchased and milled to produce U.S. No. 1 or better grade shelled peanuts which may be exported. The balance of the kernels including any graded peanuts not exported must be crushed domestically. Segregation 2 and 3 peanuts may be purchased for domestic crushing only.

Sales are made on the basis of competitive bids each Wednesday by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250, to which all bids must be sent.

TUNG OIL

Unrestricted use.

Sales are made periodically on a competitive bid basis. Bids are submitted to the Producer Association Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

The quantity offered and the date bids are to be received are announced to the trade in notices of Invitations to Bid, issued by the National Tung Oil Marketing Cooperative, Inc., Poplarville, Miss. 39470.

Terms and conditions of sale are as set forth in Announcement NTOM-PR-4 of

April 6, 1967, as amended, and the applicable Invitation to Bid.

Bids will include, and be evaluated on the basis of, price offered per pound f.o.b. storage location. For certain destinations, CCC will as provided in the Announcement, as amended, refund to the buyer a "freight equalization" allowance.

Copies of the Announcement or the Invitation may be obtained from the Cooperative or Producer Associations Division, ASCS, Telephone Washington, D.C., area code 202, DU 8-3901.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than 105 percent of the applicable 1968 price-support rate¹ for the grade and quality of the flaxseed plus the applicable markup.

B. *Markups and example* (dollars per bushel in-store No. 1, 9.1-9.5 percent moisture).

Markup per bushel received by—		Example of minimum prices—terminal and price
Truck	Rail or barge	
\$0.00	\$0.04 $\frac{1}{4}$	Minneapolis, Minn. (\$3.16) 105 percent + \$0.04 $\frac{1}{4}$; \$3.30 $\frac{1}{4}$.

C. *Nonstorable.* At not less than domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Branch Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP-14: Spray process, U.S. Extra Grade, 25.40 cents per pound packed in 100-pound bags and 25.65 cents per pound packed in 50-pound bags.

Export.

Announced prices, under MP-23, pursuant to invitations issued by Minneapolis ASCS Commodity Office. Invitations will indicate the type of export sales authorized, the announced price and the period of time such price will be in effect.

BUTTER

Unrestricted use.

Announced prices, under MP-14: 74 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 73.25 cents per pound—Washington, Oregon, and California. All other States 73 cents per pound.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP-14: 52.750 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 51.750 cents per pound.

FOOTNOTES

¹ The formula price delivery basis for bin-site sales will be f.o.b.

² Round product up to the nearest cent.

USDA AGRICULTURE STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (Post Office Box 205), Kansas City, Mo. 64141. Telephone: Area Code 816, Emerson 1-0860.

Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming (domestic and export). California (domestic only). Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (export only).

Branch Office—Chicago ASCS Branch Office, 226 West Jackson Boulevard, Chicago, Ill. 60606. Telephone: Area Code 312, 353-6581.

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia (domestic only).

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn. 55415. Telephone: Area Code 612, 334-2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin (domestic and export).

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Ore. 97205. Telephone: Area Code 503, 226-3361.

Idaho, Oregon, Utah, and Washington (domestic and export sales), California (export sales only).

PROCESSED COMMODITIES OFFICE (ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn. 55435. Telephone: Area Code 612, 334-3200.

COTTON OFFICE (ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La. 70112. Telephone: Area Code 504, 527-7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, Federal Building, Room 1759, 26 Federal Plaza, New York, N.Y. 10007. Telephone: Area Code 212, 264-8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif. 94111. Telephone: Area Code 415, 556-6185.

ASCS STATE OFFICES

Illinois, Room 232, U.S. Post Office and Courthouse, Springfield, Ill. 62701. Telephone: Area Code 217, 525-4180.

Indiana, Room 110, 311 West Washington Street, Indianapolis, Ind. 46204. Telephone: Area Code 317, 633-8521.

Iowa, Room 937, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309. Telephone: Area Code 515, 284-4213.

Kansas, 2601 Anderson Avenue, Manhattan, Kans. 66502. Telephone: Area Code 913, JE 9-3531.

Michigan, 1405 South Harrison Road, East Lansing, Mich. 48823. Telephone: Area Code 517, 372-1910.

Missouri, I.O.O.F. Building, 10th and Walnut Streets, Columbia, Mo. 65201. Telephone: Area Code 314, 442-3111.

Minnesota, Room 230, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn. 55101. Telephone: Area Code 612, 228-7651.

Montana, Post Office Box 670, U.S.P.O. and Federal Office Building, Bozeman, Mont. 59715. Telephone: Area Code 406, 587-4511, Ext. 3271.

Nebraska, Post Office Box 793, 5801 O Street, Lincoln, Nebr. 68501. Telephone: Area Code 402, 475-3361.

North Dakota, Post Office Box 2017, 15 South 21st Street, Fargo, N. Dak. 58103. Telephone: Area Code 701, 237-5205.

Ohio, Room 202, Old Federal Building, Columbus, Ohio 43215. Telephone: Area Code 614, 469-5644.

South Dakota, Post Office Box 843, 239 Wisconsin Street SW., Huron, S. Dak. 57350. Telephone: Area Code 605, 352-8651, Ext. 321 or 310.

Wisconsin, Post Office Box 4248, 4601 Hamersley Road, Madison, Wis. 53711. Telephone: Area Code 608, 254-4441, Ext. 7535.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1066; sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; secs. 303, 306, 307, 76 Stat. 614-617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on October 31, 1968.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 68-13407; Filed, Nov. 5, 1968; 8:45 a.m.]

Consumer and Marketing Service GRAIN STANDARDS

Grain Inspection Points in Louisiana

On December 12, 1967, there was published in the FEDERAL REGISTER (32 F.R. 17677) a notice authorizing the Louisiana Department of Agriculture to station licensed grain inspectors to inspect and grade grain under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) at Myrtle Grove, Plaquemines Parish, La.

Licensed grain inspectors employed by the Louisiana Department of Agriculture have been performing grain inspection service at Myrtle Grove since December 12, 1967. The Louisiana Department of Agriculture advised that, effective December 1, 1968, it will no longer be able to provide grain inspection service at Myrtle Grove.

A request has been received from Sidney W. Provencal, Jr., New Orleans, La., asking that he be authorized to operate an official inspection agency at Myrtle Grove, La. The request from Mr. Provencal does not preclude other interested individuals or organizations from submitting similar requests.

Any inspection agency wishing to be approved as the official inspection agency at Myrtle Grove is given opportunity to submit a request which should include the following information:

1. Whether it is a government, trade, or private organization, or is sponsored by a government, trade, or private organization. (If a trade organization or sponsored by a trade organization, the nature and function of the organization, a list of the member firms, the manageri-

al and technical controls that the trade organization exercises over the inspection activities, and the operating procedure for exercising the controls; e.g., managed by a grain committee that employs and directs the inspection personnel.)

2. Whether it is now providing grain inspection services at established inspection points and, if so, where.

3. Whether it can provide Statewide grain inspection services at places where such services are desired and needed by the trade, but are not now available.

4. The number of licensed inspectors who would post their licenses at such point, and the names of the inspectors, if known.

5. The inspection equipment and facilities that would be used at such point.

6. Additional laboratory services, if any, such as protein testing, which would be provided at such point.

7. The schedule of inspection fees and charges that are proposed at such point, and a statement as to whether it may be necessary for the trade to agree to a minimum annual volume of business.

8. Whether the fees and charges would be reasonable and in accordance with the cost of the service rendered.

9. Whether it would be willing to keep separate and complete accounts of all receipts for inspection service and all disbursements from such receipts for purpose of audit by this Department.

10. Whether it would be willing to retain file samples of inspected grain for a minimum period of time as prescribed by the Department.

11. The regular hours of business when service would be available and whether it would be provided "24 hours per day", if requested by the trade.

12. The expected annual volume of bargelot, cargolet, carlot, trucklot, and other inspections that would be handled at such point.

13. The names and addresses of the firms located at or near the proposed point which are believed to desire inspection of grain from or to the proposed inspection point.

Members of the grain trade who wish to submit views and comments are requested to include the following information:

1. The name of the inspection agency, if any, which they recommend for approval at Myrtle Grove.

2. The expected annual volume of carlot, trucklot, and other inspections which they would request at Myrtle Grove.

Opportunity is hereby afforded interested parties to submit written data, views, or arguments with respect to the request to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions should be in duplicate and should be mailed to the Hearing Clerk not later than 20 days after this notice is published in the FEDERAL REGISTER. All submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written

data, views, or arguments received by the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to the requests.

(Sec. 8, 39 Stat. 485; 7 U.S.C. 84)

Done in Washington, D.C., this 31st day of October 1968.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 68-13408; Filed, Nov. 5, 1968; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

GRANTS FOR LIBRARY FELLOWSHIPS

Notice of Establishment of Closing Date for Receipt of Applications for Grants

Title II-B of the Higher Education Act of 1965, as amended, authorizes a program to substantially further the objectives of increasing the opportunities throughout the Nation for training in librarianship, including fellowships for persons enrolled in graduate programs of library and information science education.

Section 223 of the Act authorizes the U.S. Commissioner of Education to make grants to institutions of higher education (as defined in section 801 of the Act, as amended) to assist them in training persons in librarianship, including the establishment and maintenance of fellowships with stipends (including allowances for traveling, subsistence, and other expenses) for fellows undergoing training and their dependents not in excess of such maximum amounts as may be prescribed by the Commissioner.

The Commissioner has determined that it is necessary for the efficient administration of the program to establish a "cutoff date" for the receipt of applications from institutions of higher education for such grants for library fellowships during the 1969-70 academic year.

Accordingly, notice is hereby given that the date of December 1, 1968, is established as the closing date upon which applications may be filed with and received by the U.S. Commissioner of Education for grants for library fellowships during the 1969-70 academic year.

Application forms and instructions may be obtained from the Division of Library Services and Educational Facilities, Bureau of Adult, Vocational, and Library Programs, U.S. Office of Education, Washington, D.C. 20202.

Dated: October 31, 1968.

HAROLD HOWE II,
U.S. Commissioner of Education.

[F.R. Doc. 68-13428; Filed, Nov. 5, 1968; 8:47 a.m.]

Food and Drug Administration DRUGS FOR HUMAN USE—DRUG EFFICACY STUDY IMPLEMENTATION

Certain Sulfanilamide and Sulfathiazole Preparations for Topical Use

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on the following preparations:

1. Actilamide (reaction product of sulfanilamide 0.4 percent and chloramine T 0.13 percent) oral gargle or throat spray; Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, Calif. 94109 (NDA 7-877).

2. Actilamide (reaction product of sulfanilamide 0.4 percent and chloramine T 0.13 percent) nose drops; Broemmel Pharmaceuticals, same address (NDA 7-877).

3. Sulfathiazole gum (0.25 gram per tablet); White Laboratories, Inc., Kenilworth, N.J. 07033 (NDA 5-333).

4. Sulfel (sulfathiazole 2 grains and calcium carbonate 1 grain per tablet); The Vale Chemical Co., Inc., 1201 Liberty Street, Allentown, Pa. 18102 (NDA 5-625).

5. Curad medicated adhesive bandages (sulfathiazole 10 percent of fabric compress by weight); The Kendall Co., 309 West Jackson Boulevard, Chicago, Ill. 60606 (NDA 4-964).

The Academy evaluated the topical use of sulfonamides as ineffective in the management of wound infections and infections of the skin and mucous membranes. The Food and Drug Administration concurs in that evaluation. Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new-drug applications for the preparations listed above as well as for any other applications which became effective for sulfonamides for topical use.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for these drugs and any interested person who may be adversely affected by removal of these drugs from the market to submit any pertinent data bearing on the proposal within 30 days following the date of publication of this notice in the FEDERAL REGISTER. Any data should be addressed to the Special Assistant for Drug Efficacy Study Implementation (MD-16), Bureau of Medicine, Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

This announcement of the proposed action and implementation of the NAS-NRC reports for these drugs is made to give notice to persons who might be adversely affected by withdrawal of these drugs from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market recommended or intended for such uses to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The holders of the new-drug applications for these drugs have been mailed a copy of the NAS-NRC report. Any interested person may obtain a copy of the NAS-NRC report on these products by writing to the Food and Drug Administration, Press Relations Office (CE-300), 200 C Street SW., Washington, D.C. 20204.

This notice is issued pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and delegated to the Commissioner (21 CFR 2.120).

Dated: October 29, 1968.

HERBERT L. LEY, Jr.,
Commissioner of Food and Drugs.

[F.R. Doc. 68-13435; Filed, Nov. 5, 1968;
8:48 a.m.]

CANNED DICED PEACHES DEVIATING FROM IDENTITY STANDARD

Extension of Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that the temporary permit held by Hunt-Wesson Foods, 1645 West Valencia Drive, Fullerton, Calif. 92634, to cover interstate marketing tests of canned diced peaches with added erythorbic acid, an ingredient not provided for by the standard of identity for canned peaches (21 CFR 27.2), is extended to June 30, 1969. (Notice of issuance of the permit was published in the FEDERAL REGISTER of September 26, 1967 (32 F.R. 13466), and modified November 3, 1967 (32 F.R. 15402).)

The subject food contains erythorbic acid in a quantity not to exceed 0.07 percent by weight thereof. Labels on the food name the added ingredient by the statement "Erythorbic acid added to preserve color."

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13436; Filed, Nov. 5, 1968;
8:48 a.m.]

DIVERSEY CORP.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 9H2349) has been filed by the Diversey Corporation, 212 West Monroe Street, Chicago, Ill. 60606, proposing that § 121.2547 Sanitizing solutions (21 CFR

121.2547) be amended to provide for the safe use on beverage containers, including milk containers or equipment, of a sanitizing solution consisting of:

1. Elemental iodine;
2. Butoxy monoether of mixed (ethylene-propylene) polyalkylene glycol having a minimum average molecular weight of 2,400;
3. α -Lauroyl- ω -hydroxypoly(oxyethylene) with an average 8-9 moles of ethylene oxide and an average molecular weight of 400; and
4. Components generally recognized as safe;

such that rinse water treated with this sanitizing solution can be reused or recirculated as semifresh rinse water.

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13437; Filed, Nov. 5, 1968;
8:48 a.m.]

UPJOHN CO.

Notice of Filing of Petition for Food Additive Melengestrol Acetate

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by the Upjohn Co., Kalamazoo, Mich. 49001, proposing that of § 121.308 Melengestrol acetate (21 CFR 121.308) be amended to provide for the safe use of melengestrol acetate for synchronization of the estrus (heat) cycles or normally cycling beef cows and of sexually mature beef and dairy heifers.

Dated: October 29, 1968.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 68-13438; Filed, Nov. 5, 1968;
8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 68-112]

DESIGNATION OF PEMBINA, N. DAK., AS PORT OF DOCUMENTATION

Proposed Revocation

1. The Commandant, U.S. Coast Guard, is considering a proposal to revoke the designation of Pembina, N. Dak., as a port of documentation and to conduct at and from the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Federal Building, Canal Park (Duluth), Minn. 55802, and the office of the Documentation Officer, U.S. Coast Guard, Federal Office Building, Minneapolis, Minn. 55401, such documentation activities as have been performed at Pembina.

2. Accordingly, notice is given that, under the authority contained in 14 U.S.C. 633, section 2 of Act of July 5, 1884, as amended (46 U.S.C. 2), section 1 of Act of February 16, 1925, as amended (46 U.S.C. 18), and subsection 6(b) of Department of Transportation Act (49 U.S.C. 1655(b)) and the delegation of authority of the Secretary of Transportation in 49 CFR 1.4(a) (2), it is proposed to:

(a) Revoke the designation of Pembina, N. Dak., as a port of documentation; and

(b) Transfer the documentation records at Pembina of those owners residing in the 9th Coast Guard District to the office of the Officer in Charge, Marine Inspection, U.S. Coast Guard, Canal Park (Duluth), Minn., and the documentation records of those residing in the 2nd Coast Guard District to the office of the Documentation Officer, U.S. Coast Guard, Minneapolis, Minn.; and

(c) Make Duluth the home port of all vessels whose owners reside in the 9th Coast Guard District and Minneapolis the home port of all vessels whose owners reside in the 2d Coast Guard District now having Pembina as home port.

3. Interested persons may submit such written data, views, or arguments as they may desire regarding the proposals set forth in this document. All communications should be submitted in duplicate to the Commandant (CMC), U.S. Coast Guard, Washington, D.C. 20591, as soon as possible. Each communication shall identify the subject to which it is directed, the reason or basis for views expressed, and the name, address, and business firm or organization (if any) of the submitter. Each communication received on or before December 15, 1968, by the Commandant (CMC) will be considered and evaluated before taking final actions on the proposals in this document. Copies of all written comments received by the Commandant (CMC) will be available for examination and reading by interested persons in Room 4211, Coast Guard Headquarters, Washington, D.C., both before and after the closing date (Dec. 15, 1968). The acknowledgment of the communications received by the Commandant (CMC) or the furnishing of reasons why suggested actions were not adopted will not be furnished in all cases since personnel are not available to handle necessary correspondence. The proposals contained in this document may be changed in the light of comments received.

4. At this time no hearing is contemplated on the proposals in this document, but arrangements may be made for informal conferences with cognizant Coast Guard officials by contracting the Executive Secretary, Merchant Marine Council, Room 4211, Coast Guard Headquarters, Washington, D.C. 20591. Any data or views presented during such informal conferences must be submitted in writing to the Commandant (CMC) in accordance with this notice in order that it may become part of the record.

Dated: October 30, 1968.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 68-13400; Filed, Nov. 5, 1968;
8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RP69-10]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Proposed Accounting Change

NOVEMBER 4, 1968.

Take notice that on October 3, 1968, Consolidated Gas Supply Corp. (Consolidated) filed a request for authorization to effect certain accounting adjustments. In connection therewith, Consolidated states that upon Commission approval of the accounting adjustments, it will file a jurisdictional rate reduction, effective January 1, 1968, of approximately \$1,034,000 per year, reflecting the reduction in revenue requirements attributable to the amortization of Consolidated's deferred tax reserve (Account 282), as adjusted.

Consolidated proposes the following accounting changes:

(1) the charging of certain known losses, which have occurred in the ordinary course of business, to the balance of Account 282;

(2) the amortization of the remaining portion of such account over a period of 14 years; and

(3) the adoption of "flow-through" accounting.

Protests, petitions to intervene, or notices of intervention may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before November 12, 1968.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 68-13478; Filed, Nov. 5, 1968;
8:48 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.,
Temporary Reg. H-7]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authority Regarding Disposition of Surplus Real Property at Nichols Army Support Facility, Louisville, Ky.

NOTE: Temporary Regulation H-7, F.R. Doc. 68-13270, appearing at page 16101 of the issue for Friday, November 1, 1968, should read as set forth below:

1. *Purpose.* This regulation delegates authority to the Secretary of Housing and Urban Development to dispose of

surplus real property at the Nichols Army Support Facility, Louisville, Ky.

2. *Effective date.* The delegation of authority is effective immediately.

3. *Background.* a. On August 30, 1967, the President established a Special Task Force composed of the Secretary of Defense, the Secretary of Housing and Urban Development, the Attorney General, and the Administrator of General Services, to survey surplus and potentially surplus Federal properties throughout the Nation, and, with State and local officials, to evaluate the prospects for transferring these lands into vital and useful community resources, primarily to satisfy critical urban needs for housing.

b. One of the properties selected for such purposes consists of approximately 40 acres of land situated within the Nichols Army Support Facility in Louisville, Ky.

c. It is considered that the proper development of the property at the Nichols Army Support Facility to serve the President's program may be more expeditiously accomplished if direct control is exercised by the Department of Housing and Urban Development over all disposal actions. The delegation of authority provided in this regulation is designed to afford the Department of Housing and Urban Development such control.

4. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly section 205(d), authority is delegated to the Secretary of Housing and Urban Development to dispose of approximately 40 acres of land, together with any improvements and related personal property located thereon, situated at the Nichols Army Support Facility, Louisville, Ky. This property is identified more particularly in the Excess Report, dated January 2, 1968, from the Department of the Army (GSA Control No. D-Ky-474A). The General Services Administration has determined this property to be surplus to the needs and responsibilities of the Government. Any portion of this property not disposed of as surplus property by the Department pursuant to this delegation or pursuant to section 108 of the Housing Act of 1949, as amended, shall, on notice from the Department of Housing and Urban Development, be released from the purview of this delegation.

b. The Secretary of Housing and Urban Development may redelegate this authority to any officer, official, or employee of the Department of Housing and Urban Development.

c. The authority conferred in this delegation shall be exercised in accordance with the Federal Property and Administrative Services Act of 1949, as amended, other applicable statutes, and regulations issued pursuant thereto. In this regard, the Department of Housing and Urban Development, as the disposal agency, shall be responsible for securing any necessary appraisals in accordance with FPMR 101-47.303-4, and shall assume

the expense of care, handling, protection, and maintenance of the property after the period of time prescribed in FPMR 101-47.402-2.

d. The Department of Housing and Urban Development shall submit to the Commissioner, Property Management and Disposal Service, GSA, a record of each separate disposition of property accomplished under this delegation in a format to be specified by the Commissioner, Property Management and Disposal Service.

Dated: October 28, 1968.

LAWSON B. KNOTT, Jr.,

Administrator of General Services.

[F.R. Doc. 68-13270; Filed, Oct. 31, 1968; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17828; Order 68-10-184]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Free and Reduced Transportation for Passenger Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of October 1968.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to free and reduced transportation for passenger sales agents, Docket 17828, Agreement CAB 20525, R-2,¹ Agreement CAB 20576 R-2 through R-6.²

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and resulting from the first IATA Passenger Agency Committee meeting, held at Montreal in July 1968. The agreements are intended to become effective November 1, 1968.

¹ See the following table:

Agreement CAB 20525	Title	IATA No.	Application
R-2	Group Educational Trips for Passenger Agents	(Mail 153)203b	3/1.
		(Mail 555)203b	1/2/3.
		(Mail 205)203b	2/3.

² See the following table:

Agreement CAB 20576	Title	IATA No.	Application
R-2	Reduced Fares for Passenger Agents (Except USA).	(1 PAC 1)203	Worldwide.
R-3	Reduced Fares for Passenger Agents (Except USA).	(1 PAC 2)203	Worldwide.
R-4	Reduced Fares for Passenger Agents (Except USA).	(1 PAC 3)203	Worldwide.
R-5	Group Educational Trips for Passenger Agents	(1 PAC 1)203b	1/2; 1/2/3; 2/3; 2;
			3.
R-6	Free or Reduced Fare Transportation for IATA General Agents.	(1 PAC 1)205	Worldwide.

Among other things, the agreements would extend to worldwide application, except within the Western Hemisphere, an existing resolution which now applies in many parts of the world³ and which permits IATA carrier members to provide free or reduced-rate transportation for group educational trips by IATA passenger sales agents. More specifically, and insofar as air transportation as defined by the Act is concerned, the facility would be extended to travel via the Atlantic and Pacific, and a current restriction against stopovers within the Western Hemisphere would be removed for tours involving transatlantic or transpacific travel between Europe/Africa/Middle East and the Far East.

Basically, the agreements permit the carriers to arrange and provide free transportation for the instruction, familiarization and education of agents; to absorb agents' expenses for a maximum of 8 days for minimum-size groups of six passenger agents; and to provide one or more employees as guides, escorts, or instructors. The agreements would require that the trips be deducted from allotments now granted to agents for travel at a 75-percent discount from the applicable fare, provided, however, that one ticket per carrier for each approved agency location would not be deducted.

Early in 1966, the Board instituted proceedings to reevaluate its overall policy and practices in the industry relative to the granting of reduced-rate transportation both domestically and internationally for IATA passenger sales agents.⁴ Among other things, the Board indicated its belief that an acceptable program should effectively relate the grant of such reduced-rate transportation to educational and familiarization trips designed to increase agents' sales ability and to prevent abuses. In September 1966, the Board approved an IATA-carrier agreement which re-established an industry program permitting passenger sales agents to travel at a 75-percent re-

³ The current resolution applies to agents located within the Europe/Africa/Middle East area and within an area comprised of Australia and certain South Pacific Islands for travel other than to points within the Western Hemisphere.

⁴ Order E-23186, Feb. 2, 1966.

duction from the applicable fare.⁵ This program provided for a quota of trips to be calculated on the basis of one per qualified employee, but limited the number of trips which any one carrier could honor to not more than two such trips per location per calendar year. In May 1967, the Board approved an amendment to this agreement which doubled the quota per employee.⁶ The agreement now before the Board would substantially increase this quota, since one ticket per year per approved location could be issued by each IATA carrier and would not be deducted from the location's allotment.⁷

A program designed to enhance the professional ability of agents to generate, promote, and sell international air passenger transportation is laudable. However, no representations or data have been submitted on which to base a conclusion that the existing reduced-rate facility is insufficient to serve these purposes. Moreover, there are no provisions built into the agreements to assure that the added fare concessions would be used for the intended purposes, i.e., instruction, education, and familiarization.

Under these circumstances, we propose to disapprove the agreements insofar as they would be applicable in air transportation. We will, however, allow a 30-day period for comments from interested parties before taking final action. This proposed action should not be construed as an objection to free or reduced-rate transportation over and above that available under IATA agreements for specific programs which are in the overall public interest.

We are also approving herein certain other resolutions which are embraced in the agreements and which would amend existing resolutions relating to reduced-rate transportation for agents. In general these are nonsubstantive amendments designed to clarify the carriers' intent. For example, one such amendment clarifies that travel under a reduced-fare ticket by agents located outside the United States must be completed within 3 months.

Accordingly, in view of the foregoing conclusions and acting pursuant to sections 102, 204(a), and 412 of the Act,

It is ordered, That:

1. Action on Agreements CAB 20525, R-2, and CAB 20576, R-5, insofar as they apply in air transportation as defined by the Act, be and hereby is deferred with a view of eventual disapproval;

2. Agreements CAB 20525, R-2, and CAB 20576, R-5, except insofar as they apply in air transportation as defined by the Act, be and hereby are approved; and

⁵ Order E-24183, dated Sept. 14, 1966.

⁶ Order E-25201, dated May 26, 1967.

⁷ As an example, the average travel agency location in the United States maintains four full-time employees. Thus, the agency is currently entitled to eight discounted trips per year. The increment in travel provided by the agreement could amount to about 20 additional trips via the North Atlantic carriers alone.

3. Agreement CAB 20576, R-2, R-3, R-4, and R-6, be and hereby is approved.

Any air carrier party to the agreements, or any interested person may, within 30 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's actions as stated herein. An original and nineteen copies of the statement should be filed with the Board's Docket Section.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-13423; Filed, Nov. 5, 1968;
8:47 a.m.]

[Docket No. 20199; Order 68-10-186]

ORION AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority October 31, 1968.

On September 6, 1968, the Postmaster General filed a notice of intent pursuant to 14 CFR Part 298, petitioning the Board to establish for Orion Airways, Inc. (Orion) a final service mail rate of 36 cents per great circle aircraft mile for the transportation of mail by aircraft between St. Louis, Mo., and Memphis, Tenn.

Orion is currently engaged in business as an air taxi operator under Part 298 of the Board's economic regulations. The Postmaster General states that Orion proposes to initiate service with twin-engine Beech, Model D-18-S aircraft and that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in this market.

By Order 68-10-182, October 31, 1968, in this docket the Board determined to approve the notice of intent thereby permitting it to become effective pursuant to 14 CFR 298.24(d). Therefore, Orion may provide the proposed air transportation of mail for the period ending June 30, 1969. Since no mail rate is presently in effect for this carrier in this market, it is necessary and in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid to Orion by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order¹

¹ As this order to show cause is not a final action but merely affords interested persons an opportunity to be heard on the matters herein proposed, it is not regarded as subject to the review provisions of Part 385 (14 CFR Part 385). These provisions for Board review will be applicable to final action taken by the staff under authority delegated in § 385.14(g).

to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Orion Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between St. Louis, Mo., and Memphis, Tenn., shall be 36 cents per great circle aircraft mile;

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR, Part 302, 14 CFR Part 298, and 14 CFR 385.14 (f):

It is ordered, That:

1. Orion Airways, Inc., the Postmaster General, Eastern Air Lines, Inc., Allegheny Airlines, Inc., Delta Air Lines, Inc., Braniff Airways, Inc., American Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Orion Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Orion Airways, Inc., the Postmaster General, Eastern Air Lines, Inc., Allegheny Airlines, Inc., Delta Air Lines, Inc., Braniff Airways, Inc., and American Airlines, Inc.

This order will be published in the **FEDERAL REGISTER**.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 68-13424; Filed, Nov. 5, 1968;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 68-1074]

A.T. & T.

Postponement of Effective Date of Revised "Foreign Attachment" Tariffs; Interim Procedures Adopted

OCTOBER 30, 1968.

On October 30, 1968, the Commission granted American Telephone and Telegraph Co. permission to postpone from November 1, 1968, to January 1, 1969, the general effective date of tariff revisions filed by A.T. & T. proposing to make substantial changes in its tariffs governing the connections of customer-provided devices to message toll telephone company facilities. (See Public Notice of Sept. 24, 1968; 22566.) However, that part of the revision as will permit the connection of customer-provided, mobile radio telephone systems with long distance message telecommunications service through customer-provided, acoustic-inductive devices (e.g., the Carterfone) will become effective Nov. 1, 1968.

A.T. & T. has filed additional tariff revisions that would establish new regulations to permit interconnection of customer-provided communications systems, subject to certain specified conditions. The postponement allowed by the Commission will permit A.T. & T. to publish the same effective date of January 1, 1969, for all of the revised tariff regulations and thus will give all interested persons, including the Commission and its staff, additional time to review them.

The postponements have been granted in accordance with a stay granted by the Commission of the effective date of its Carterfone decision, 13 F.C.C. 2d 420; 14 F.C.C. 2d 571, pursuant to which the tariff revisions have been submitted.

We believe that it is desirable to set out interim procedures to be followed with respect to this matter. Therefore, we shall require A.T. & T., on or before November 5, 1968, to serve, on all of the parties that have filed pleadings addressed to the postponed tariff revisions, a copy of all of the revised tariff pages published to be effective January 1, 1969, together with all accompanying transmittal letters. Each party who has filed such pleadings shall, on or before December 1, 1968, file with the Commission and serve on A.T. & T. a written statement as to whether the party wishes its pending pleading to be considered by the Commission, withdrawn or otherwise treated. Any interested party, including those who have heretofore filed pleadings may file new or amended pleadings directed to any portion of the aforementioned revised tariffs published to become effective January 1, 1969. However, notwithstanding the provisions of § 1.773 of our rules, any such pleadings shall be filed and properly served no later than December 1, 1968.

We believe that the above-prescribed procedure will "best conduce to the proper dispatch of the Commission's business and the ends of justice," 47 U.S.C. 154(j). Pursuant to section 3(a) of the Administrative Procedure Act, this Public Notice (FCC 68-1074) will be published in the FEDERAL REGISTER.

Action by the Commission October 30, 1968, by order. Commissioners Bartley (Acting Chairman), Robert E. Lee, Cox, and Wadsworth, with Commissioner Johnson concurring in the result and Commissioner H. Rex Lee not participating.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-13425; Filed, Nov. 5, 1968;
8:47 a.m.]

[FCC 68-1084]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

OCTOBER 31, 1968.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on December 10, 1968, the standard broadcast application listed below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application must be in direct conflict and tendered no later than the close of business December 9, 1968:

WSSA, Morrow, Ga.
Clayton Broadcasting Co.
Has: 1570 kc, 1 kw, Day (College Park, Ga.)
Req: 1570 kc, 5 kw, Day (Morrow, Ga.)

The attention of any party in interest desiring to file pleadings concerning this application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(d) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Action by the Commission October 30, 1968. Commissioners Bartley (Acting Chairman), Robert E. Lee, Cox, and Johnson, with Commissioner H. Rex Lee not participating.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 68-13426; Filed, Nov. 5, 1968;
8:47 a.m.]

[Docket No. 18348]

USE OF MULTICHANNEL EQUIPMENT

Order Extending Time for Filing Comments

In the matter of an inquiry into the use of multichannel equipment for deriving telegraph channels from voice channels to determine facts relating to techniques capable of providing greater capacity, accuracy, reliability or economy in the operation of overseas facilities.

The Commission having under consideration letters dated October 24, 1968, and October 28, 1968, filed by ITT World Communications Inc., and Western Union International, Inc., requesting an extension of time until November 29, 1968, to submit their comments to the notice of inquiry released on October 15, 1968;

It appearing, that the aforementioned letters set forth that additional time is necessary to gather the data requested in the notice of inquiry and to submit the analysis thereof in comments to the Commission;

It further appearing, that in view of the foregoing, good cause exists for extending until November 29, 1968, the time within which comments may be filed.

It is ordered, Pursuant to § 0.303(c) of the Commission's rules on Delegations of Authority, that the time within which to file comments is hereby extended to November 29, 1968.

Adopted: October 31, 1968.

Released: October 31, 1968.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] A. C. ROSEMAN,
Chief, International and Satellite Communications Division,
for Chief, Common Carrier Bureau.

[F.R. Doc. 68-13427; Filed, Nov. 5, 1968;
8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1130]

GALE INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 31, 1968.

The common stock, 50 cents par value, of Gale Industries, Inc., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Gale Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period November 1, 1968, through November 10, 1968, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 68-13409; Filed, Nov. 5, 1968;
8:45 a.m.]

[812-2329]

NORTHWESTERN MUTUAL LIFE INSURANCE CO., AND NML VARIABLE ANNUITY ACCOUNT B

Notice of Application for Exemption

OCTOBER 31, 1968.

Notice is hereby given that The Northwestern Mutual Life Insurance Co. ("Northwestern Mutual"), 720 East Wisconsin Avenue, Milwaukee, Wis. 53202, a mutual life insurance company organized in 1857 by a special statute of the legislature of the State of Wisconsin, and NML Variable Annuity Account B ("Account B"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), hereinafter collectively called "Applicants," have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 12(d)(1), 14(a)(1), 22(d), 22(e), 26(a), 27(c)(1), and 27(c)(2) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Account B was established by Northwestern Mutual principally to offer variable annuity contracts for use in funding corporate pension or profit sharing plans qualified under section 401(a) or 403(a) of the Internal Revenue Code and as tax-deferred annuities under section 403(b) of the Internal Revenue Code.

Under the contract a purchaser makes a number of payments until a maturity date selected by the purchaser. These payments are invested (net of various deductions) through Account B in shares of NML Fund, Inc. ("Fund"), a Maryland corporation and an open-end, diversified management investment company registered under the Act. The value of a contract before the maturity date will fluctuate as the value of the shares of the Fund credited to such contract fluctuates. After the maturity date the contracts provide lifetime annuity payments, either variable or fixed, or other settlement options. The amount of the first annuity payment will be the same whether a fixed or variable annuity is chosen. If a fixed annuity payment option is selected the amount of the payments are guaranteed. If a variable annuity payment option is selected the annuity payments subsequent to the first will fluctuate as the value of the Fund shares fluctuate.

Under Wisconsin insurance laws Account B is an integral part of Northwestern Mutual. The latter holds all the assets of Account B and is responsible for the performance of the obligations of Account B under the contracts. However, under Wisconsin insurance laws, the income, gains and losses, realized or unrealized, of Account B are credited to or charged against the amounts allocated to Account B in accordance with the terms of the contracts without regard to other income, gains or losses of Northwestern Mutual; and the assets of Account B are not chargeable with any liabilities arising out of any other account or any other business of Northwestern Mutual.

Applicants request exemption from the following provisions of the Act to the extent stated below.

Section 12(d)(1), in pertinent part, provides, in substance, that it shall be unlawful for any registered investment company (Account B) to purchase any security issued by any other investment company (Fund) if such registered investment company will, as a result of that purchase own more than 3 percent of the outstanding voting stock of the other investment company, unless the registered investment company owns at least 25 percent of the outstanding voting stock of such other investment company. Section 12(d)(1)(B) of the Act provides, in substance, that such restriction is not applicable with respect to securities purchased with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust indenture.

Account B, which does not own at least 25 percent of the outstanding voting stock of the Fund, will acquire more than 3 percent of the outstanding voting stock of the Fund with the proceeds of payments on periodic payment plan certificates which are not issued pursuant to the terms of a trust indenture. Applicant states that an exemption from section 12(d)(1) is appropriate because the purchase of Fund shares with such payments will be substantially identical in all respects relevant to section 12(d) to the purchase of securities with the proceeds of payments on periodic payment plan certificates issued pursuant to the terms of a trust.

Section 14(a)(1), in pertinent part, provides that no investment company shall make a public offering of securities unless such company has a net worth of at least \$100,000.

Applicants state that under the provisions of the Wisconsin insurance laws only payments made under contracts can be allocated to Account B; that Account B will have no assets at its inception, since Northwestern Mutual cannot purchase a contract and it is impractical for Northwestern Mutual to produce a net worth of \$100,000 for Account B through a private offering.

In support of the requested exemption applicants state that there is no risk that Account B will be unable to meet its obligations or continue in existence, because Northwestern Mutual which has assets in excess of \$5 billion as of December 31, 1967, is responsible for performance of the obligations under the contracts and Northwest Mutual and Account B are bound under the provisions of the insurance laws of Wisconsin and the regulations thereunder and the supervising authority of the Director of Insurance to perform their contractual obligations under the contracts.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. The contracts will provide for a combined deduction from each payment for sales and administrative ex-

penses equal to 50 cents plus 8 percent of the payment. Applicants state that the combined charge is appropriate because of the difficulty of determining in advance the proportions of such combined deduction which will be incurred by Northwest Mutual as sales, administrative and other expenses.

Applicants also request exemption from the provisions of section 22(d) so as to permit the contracts to participate in the divisible surplus of Northwest Mutual to the extent that they may contribute to such divisible surplus. Such provision must be made for the contracts under state law in some of the jurisdictions in which the contracts may be sold. Pursuant to such provision, Northwestern Mutual would determine annually the extent, if any, by which Northwest Mutual's charges for the prior year exceeded its sales, administration and mortality expenses, and the amount set aside for reserves and contributions to surplus. On the basis of such determination Northwest Mutual may provide a dividend to contract holders. Any such dividend may reflect a reduction in charges not only for sales expenses, but for administrative and other expenses; and it is not possible to determine in advance the amount of such reduction or the proportion attributable to a reduction in sales expense.

Applicants further request exemption from the provisions of section 22(d) to the extent, if any, necessary to permit payees receiving annuity benefits to transfer to another available form of settlement option (including transfers from fixed payment settlement options to variable payment settlement options) without imposition of any additional sales charge.

Sections 22(e) and 27(c)(1) provide, in pertinent part, that a registered investment company shall not suspend the right of redemption or postpone the date of payment of any redeemable security in accordance with its terms for more than 7 days after the tender of such security for redemption and prohibit a registered investment company issuing periodic payment plan certificates from selling any such certificate unless such certificate is redeemable. Applicants request an exemption from the provisions of sections 22(e) and 27(c)(1) so as to permit cessation of the right to redeem a contract when a payee commences to receive annuity payments under a settlement option which is contingent on the payee's life.

Applicant states that at all times prior to their maturity dates, the contracts will be redeemable. On their respective maturity dates the then value of the each contract is determined and is applied to provide lifetime annuity payments, variable or fixed, or other optional settlement payments. Applicants states that the determination of the amount of annuity payments is based on actuarial factors so calculated that if all persons receiving annuity payments live on the average as predicted by the mortality tables used, the funds will be exhausted upon the death of the last member of the

group. Applicants further state that when an annuitant begins to receive annuity payments he should not be able to change arbitrarily the predicted average lifetime of the group by withdrawing from it.

Sections 26(a) and 27(c)(2), in pertinent part, prohibit a registered investment company issuing periodic payment plans or a depositor or principal underwriter for such a company or for a registered unit investment trust from selling any security issued by such an investment company unless the proceeds of all payments, other than sales load, are deposited with a qualified bank as trustee or custodian ("trustee") and are held by such trustee under an agreement which provides (i) that the trustee shall have possession of all property of the trust and shall segregate and hold the same trust, (ii) that the trustee shall not resign until either the trust has been liquidated or a successor bank has been appointed, (iii) that the trustee may collect from income and, if necessary, from the corpus of the trust fees for services performed and reimbursement of expenses incurred, and (iv) that no payment to the depositor or principal underwriter shall be allowed the trustee as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to the depositor or principal underwriter.

In support of the requested exemption from the foregoing provisions of the Act, Applicants state that the net proceeds under the contracts allocated to Account B will be invested in shares of the Fund; that such shares will be held in an open account so that ownership thereof will only be shown on the books and records of Account B and the Fund, and that such shares will not be evidenced by transferable stock certificates. Applicants further state that Northwestern Mutual is subject to extensive supervision and control by the Wisconsin Commissioner of Insurance; that under Wisconsin law neither Account B nor Northwestern Mutual may abrogate its obligations; that Northwestern Mutual had total assets of \$5 billion at December 31, 1967, and that its officers and employees are covered by a fidelity bond in the amount of \$1 million. Therefore, Applicants state, such jurisdiction, financial and legal requirements and bond effect the protections against orphanage of the unit investment trust by the sponsor which the trusteeship under sections 26(a) and 27(c)(2) is designed to provide. Applicants have consented to the requested exemption being subject to the condition that its charge under the contracts for administrative services shall not exceed such reasonable amount as the Commission shall prescribe, and that the Commission may reserve jurisdiction for such purpose.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the

Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 14, 1968 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Person who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 68-13410; Filed, Nov. 5, 1968;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 1, 1968.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41487—Residual fuel oil to points in Colorado and Wyoming. Filed by Western Trunk Line Committee, agent (No. A-2568), for interested rail carriers. Rates on residual fuel oil, in tank carloads, as described in the application, from points in Colorado and Wyoming, to points in Minnesota and Wisconsin.

Grounds for relief—Market competition.

Tariff—Supplement 63 to Western Trunk Line Committee, agent, tariff ICC A-4572.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13416; Filed, Nov. 5, 1968;
8:45 a.m.]

[Notice 523]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 1, 1968.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2245 (Deviation No. 4), THE O. K. TRUCKING COMPANY, 1810 South Street, Cincinnati, Ohio 45204, filed October 25, 1968. Carrier's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 71 near Walton, Ky., thence over Interstate Highway 71 to Louisville, Ky., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 50 to Versailles, Ind., thence over U.S. Highway 421 to Madison, Ind., thence over Indiana Highway 62 to Jeffersonville, Ind., thence across the Ohio River to Louisville, Ky., and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 479) (Cancels Deviation No. 345), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed October 21, 1968. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to

operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over deviation routes as follows: (1) From junction unnumbered highway and Interstate Highway 90 (Tokio Interchange) over Interstate Highway 90 to Sprague, Wash., (2) from junction unnumbered highway and Interstate Highway 90 (Tokio Interchange), over Interstate Highway 90 to junction unnumbered highway (Fishtrap), (3) from Sprague, Wash., over Interstate Highway 90 to junction unnumbered highway (Fishtrap), (4) from junction Washington Highway 904 and Interstate Highway 90 (Tyler, Wash.) over Interstate Highway 90 to junction Washington Highway 904 (Four Lakes Interchange), and (5) from junction unnumbered highway and Interstate Highway 90 (Thorpe Road Junction), over Interstate Highway 90 to Spokane, Wash., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From junction Interstate Highway 90 and Washington Highway 281 (South Quincy Junction), over Interstate Highway 90 to junction U.S. Highway 10 (Adams County line), thence over U.S. Highway 10 to junction U.S. Highway 395 and Interstate Highway 90 (Ritzville Junction), thence over Interstate Highway 90 to junction unnumbered highway (Tokio Junction), thence over unnumbered highway to junction Interstate Highway 90 (Fishtrap), thence over Interstate Highway 90 to junction Washington Highway 904 at Tyler, Wash., thence over Washington Highway 904 to junction Interstate Highway 90 (Four Lakes Interchange), thence over Interstate Highway 90 to junction unnumbered highway (Thorpe Road Junction), thence over unnumbered highway to Spokane, Wash., and return over the same route.

No. MC 1515 (Deviation No. 480) (Cancels Deviation No. 405), GREYHOUND LINES, INC. (Western Division), Market and Fremont Streets, San Francisco, Calif. 94106, filed October 21, 1968. Carrier's representative: W. L. McCracken, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 10 and Interstate Highway 90 (West Cle Elum Junction, Wash.), over Interstate Highway 90 to Cle Elum, Wash., (2) from Cle Elum, Wash., over Interstate Highway 90 to junction unnumbered highway (West Ellensburg Junction), thence over unnumbered highway to Ellensburg, Wash., (3) from junction U.S. Highway 10 and Interstate Highway 90 (West Cle Elum Junction), over Interstate Highway 90 to junction unnumbered highway (West Ellensburg Junction), thence over unnumbered highway to Ellensburg, Wash., (4) from junction U.S. Highway

10 and Interstate Highway 90 (West Cle Elum Junction), over Interstate Highway 90 to junction unnumbered highway (Vantage), and (5) from junction U.S. Highway 97 and Interstate Highway 90 (South Ellensburg), over Interstate Highway 90 to junction unnumbered highway (Vantage), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Seattle, Wash., over U.S. Highway 10 to Ellensburg, Wash., and (2) from Wenatchee, Wash., over Washington Highway 28 to Quincy, Wash., thence over Washington Highway 281 to South Quincy Junction, thence over Interstate Highway 90 to Vantage, thence over unnumbered highway to Ellensburg, Wash., and return over the same routes.

No. MC 1515 (Deviation No. 481), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed October 22, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction U.S. Highway 22-322 and Pennsylvania Legislative Route 30, 4 miles north of Amity Hall, Pa., over U.S. Highway 22-322 to junction Pennsylvania Legislative Route 31, just east of Thompsonstown, Pa., (2) from junction U.S. Highway 322-22 and Pennsylvania Legislative Route 32, east of Lewistown, Pa., over U.S. Highway 322-22 to junction U.S. Highway 522, thence continuing over U.S. Highway 322 to junction Pennsylvania Legislative Route 29 north of Reedsville, Pa., (3) from Newport, Pa., over Pennsylvania Highway 34 to junction U.S. Highway 22-322, and (4) from Lewistown, Pa., over Pennsylvania Legislative Route 29 to junction U.S. Highway 322, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Newark, N.J., over U.S. Highway 22 via Somerville, N.J., and Harrisburg, Pa., to Amity Hall, Pa., thence over U.S. Highway 22 to junction Pennsylvania Legislative Route 30, approximately 4 miles northwest of Amity Hall, Pa., thence over Pennsylvania Legislative Route 30 to junction Pennsylvania Legislative Route 275 at Pennsylvania Highway 34, thence over Pennsylvania Legislative Route 275 to Millerstown, Pa., thence over Pennsylvania Legislative Route 31 to Thompsonstown, Pa., thence over U.S. Highway 22 to junction Pennsylvania Legislative Route 32, approximately 2 miles south of Lewistown, Pa., thence over Pennsylvania Legislative Route 32 to Lewistown, Pa., thence over Pennsylvania Legislative Route 29 to junction U.S. Highway 322, north of Reedsville, Pa., thence over U.S. Highway 322 via State College to Martha Furnace, Pa., and return over the same route.

No. MC 1515 (Deviation No. 482) (Cancels Deviation No. 403), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed October 24, 1968. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over deviation route as follows: (1) From Detroit, Mich., over Interstate Highway 75 to junction U.S. Highway 25, approximately 1 mile north of Cygnet, Ohio, (2) from junction Interstate Highway 75 and access highway to U.S. Highway 24 (near Southgate, Mich.), over access highway to U.S. Highway 24, thence over U.S. Highway 24 to junction Interstate Highway 94, thence over Interstate Highway 94 to Detroit, Mich., (3) from Monroe, Mich., over city streets to Interstate Highway 75, (4) from Toledo, Ohio, over city streets to Interstate Highway 75, (5) from Toledo, Ohio, over U.S. Highway 24 to junction Interstate Highway 475, thence over Interstate Highway 475 to junction Interstate Highway 75, (6) from junction Ohio Highways 51, 120 and Interstate Highway 280 over Interstate Highway 280 to junction Interstate Highway 75, and (7) from Perrysburg, Ohio, over city streets to Interstate Highway 75, (8) from junction Interstate Highway 75 and Ohio Highway 582 over Ohio Highway 582 to junction U.S. Highway 25, and (9) from Bowling Green, Ohio, over U.S. Highway 6 to junction Interstate Highway 75, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Port Austin, Mich., over U.S. Highway 25 via Port Huron, Mount Clemens and Monroe, Mich., and Toledo, Perrysburg and Findlay, Ohio, to Dayton, Ohio, also from Mount Clemens over Mount Clemens Drive and Harper Avenue to Detroit, thence over city streets via River Rouge, Ecorse, Wyandotte, and Trenton, Mich., to junction County Highway 379, thence over County Highway 379 to Rockwood, Mich., thence over Michigan Highway 56 to Monroe, Mich., thence over Michigan Highway 50 to junction U.S. Highway 24, also from junction U.S. Highway 25 and 24, 5 miles north of Monroe over U.S. Highway 24 to Toledo, Ohio, (2) from Toledo, Ohio, over Ohio Highway 51 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Ohio Highway 10, at a point approximately half a mile south of Kipton, Ohio, thence over Ohio Highway 10 to junction U.S. Highway 20, thence over U.S. Highway 20 to Cleveland, Ohio, and (3) from Toledo, Ohio, over Ohio Highway 120 to Stoney Ridge Toledo Interchange (Ohio Turnpike) and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13418; Filed, Nov. 5, 1968; 8:46 a.m.]

[Notice 1233]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 1, 1968.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 17778 (Sub-No. 36) (Republication), filed February 26, 1965, published in the FEDERAL REGISTER issues of April 8, 1965, and April 14, 1965, and republished this issue. Applicant: YALE TRANSPORT CORP., 460 12th Avenue, New York, N.Y. 10018. Applicant's representative: Herbert Burstein, 160 Broadway, New York, N.Y. By application filed February 26, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, with certain exceptions, over specified routes as previously published. The application was referred to Examiner James C. Cheseldine for hearing and the recommendation of an appropriate order thereon. An order of the Commission, Division 1, served September 9, 1968, which became effective August 29, 1968, finds that the present and future public convenience and necessity require operation by applicant as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities requiring dump truck service), between New York, N.Y., and Farmingdale, Long Island, N.Y., over New York Highway 24, serving all intermediate points and off-route points in Nassau County, Long Island, N.Y.;

(B) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Boston, Mass., and Greenwich, Conn., over U.S. Highway 1, (2) between Boston, Mass., and New Haven, Conn., from Boston over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 to Springfield, thence over U.S. Highway 5 to East Hartford, Conn.

thence over U.S. Highway 44 to Hartford, thence over Maple Avenue (formerly U.S. Highway 5) to junction U.S. Highway 5 south of Hartford, thence over U.S. Highway 5 to New Haven, and return over the same route, (2) (a) between East Hartford, Conn., and junction U.S. Highway 5 and Maple Avenue, south of Hartford, Conn., over U.S. Highway 5, (3) between Springfield, Mass., and Hartford, Conn., over alternate U.S. Highway 5; (4) between Boston, Mass., and junction Connecticut Highway 15 and U.S. Highway 5, from Boston, Mass., over U.S. Highway 20 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to the Massachusetts-Connecticut State line thence over Connecticut Highway 15 to junction U.S. Highway 5, and return over the same route, (5) serving all intermediate points on the routes described in (1) through (4) above and all points in Connecticut and Massachusetts as off-route points in connection with the same operations,

(6) Between Jersey City and New Brunswick, N.J., from Jersey City, N.J., over U.S. Highway 1 to junction New Jersey Highway 18, thence over New Jersey Highway 18 to New Brunswick, and return over the same route, serving all intermediate points and off-route points in Hudson, Essex, Union, Morris, Middlesex, Passaic, and Bergen Counties, N.J.; all of the authority in (A) and in (B) (1) through (7) above restricted to the movement of traffic (a) between New York, N.Y., on the one hand, and, on the other, points in Nassau County, N.Y., (b) between New Haven, Conn., on the one hand, and, on the other, points in Massachusetts, (c) between New York, N.Y., on the one hand, and, on the other, points in Hudson, Essex, Union, Morris, Middlesex, Passaic, and Bergen Counties, N.J., (d) between Secaucus, N.J., on the one hand, and, on the other, points in New Jersey Counties listed in (c) above, and (e) between New York, N.Y., on the one hand, and, on the other, points in Connecticut; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 89684 (Sub-No. 52) (Republication), filed April 8, 1965, published in the FEDERAL REGISTER issues of May 19, 1965 and October 6, 1966, and republished this issue. Applicant: WYCOFF COM-

PANY, INCORPORATED, 560 South Second West Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 315 East Second South, Suite 600, El Paso Natural Gas Building, Salt Lake City, Utah 84111. By application filed April 8, 1965, as amended, applicant seeks a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, of general commodities having a prior or subsequent movement by aircraft, (1) over a regular route between Rock Springs and Rawlins, Wyo., over Interstate Highway 80, serving all intermediate points, and (2) over irregular routes, between Salt Lake City, Utah, Airport; Hill Air Force Base, Utah, Airport; Ogden, Utah, Airport; Pocatello, Idaho, Airport; Boise, Idaho, Airport; Twin Falls, Idaho, Airport; Mountain Home Air Force Base, Idaho, Airport; and Butte, Mont., Airport, on the one hand, and, on the other, Butte, Dillon, Twin Bridges, Sheridan, and West Yellowstone, Mont.; Ontario, Adrian, and Baker, Oreg.; Rock Springs, Mountain View, Thayne, Afton, Evanston, Kemmerer, and Jackson, Wyo.; Ely, Nev.; and Flagstaff, Ariz., and points in Utah, Idaho, and Yellowstone Park. The application was referred to Examiner Lawrence A. Van Dyke, Jr., for hearing and the recommendation of an appropriate order thereon. Hearing was held before the examiner on October 2, 1967, and March 11, 12, 13, and 14, 1968, at Salt Lake City, Utah.

A report and order of the Commission, Division 1, served July 31, 1968, effective August 30, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, in interstate or foreign commerce, of general commodities having a prior or subsequent movement by aircraft, except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) over the regular routes, between the points, and serving the intermediate and off-route points described in appendix A hereto, restricted to the transportation of shipments, (a) between the Salt Lake City, Utah, Airport, on the one hand, and, on the other, all points of service described in appendix A, and (b) between the Boise, Pocatello, and Twin Falls, Idaho, Airports, on the one hand, and, on the other, the points of service in Idaho, Oregon, and Wyoming described in appendix A, and (2) over irregular routes, (a) between the Salt Lake City Airport, on the one hand, and, on the other, all points in Utah and that part of Idaho south of the southern boundary of Idaho County (except those in Lemhi, Blaine, and Custer Counties) which are not authorized to be served in appendix A, and (b) between the Boise, Pocatello, and Twin Falls Airports, on the one hand, and, on the other, points in Idaho south of the southern boundary of Idaho County (except those in Lemhi, Blaine, and Custer Counties) which are not authorized to be served in appendix A, with

all of the authority granted herein subject to the restrictions (1) that to the extent that the authority herein authorized duplicates any other authority heretofore granted to applicant, it shall not be construed as conferring more than one operating right, (2) that applicant shall conduct its for-hire operations separate from its other business activities, (3) that it shall maintain separate accounts and records therefor, and (4) that it shall not transport property as both a private and for-hire carrier in the same vehicle at the same time; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPENDIX A

REGULAR ROUTES OVER WHICH SERVICE IS AUTHORIZED

(1) Between Salt Lake City, Utah, and Butte, Mont., serving all intermediate points in Utah and Idaho and Dillon and Twin Bridges, Mont., as intermediate points, and serving Centerville, Farmington, and Bountiful, Utah, and the site of the Thiokol Chemical Corp. plant located about 25 miles northwest of Brigham City, Utah, and Sheridan, Mont., as off-route points: From Salt Lake City over U.S. Highway 91 to Brigham City, Utah, thence over U.S. Highway 191 to junction U.S. Highway 91, thence over U.S. Highway 91 to junction Montana Highway 41, thence over Montana Highway 41 to junction U.S. Highway 10, and thence over U.S. Highway 10 to Butte, and return over the same route.

(2) Between the junction of U.S. Highways 91 and 191 just south of Pocatello, Idaho, and West Yellowstone, Mont., serving all intermediate points: From said junction over U.S. Highway 191 to West Yellowstone, and return over the same route.

(3) Between Downey, Idaho, and Brigham City, Utah, serving all intermediate points and Hyde Park, Paradise, Hyrum, and Providence, Utah, and Oxford, Clifton, and Dayton, Idaho, as off-route points: From Brigham City over U.S. Highway 91 to Downey, and return over the same route.

(4) Between junction U.S. Highways 30N and 91, near McCammon, Idaho, and Preston, Idaho, serving all intermediate points: From junction U.S. Highways 30N and 91 over U.S. Highway 30N to junction Idaho Highway 34 and thence

over Idaho Highway 34 to Preston, and return over the same route.

(5) Between junction U.S. Highway 191 and U.S. Highway 26 northeast of Idaho Falls, Idaho, and Rigby, Idaho, serving all intermediate points: From junction U.S. Highway 191 and U.S. Highway 26 over U.S. Highway 26 to Ririe, Idaho, and thence over Idaho Highway 48 to Rigby, and return over the same route.

(6) Between junction U.S. Highway 30N and Idaho Highway 34, west of Alexander, Idaho, and Logan, Utah, serving all intermediate points in Idaho and serving Conda, Idaho, and Afton and Thayne, Wyo., as off-route points: From junction U.S. Highway 30N and Idaho Highway 34 over U.S. Highway 30N to Montpelier, Idaho, and thence over U.S. Highway 89 to Logan, and return over the same route.

(7) Between junction U.S. Highways 89 and 91, north of Salt Lake City, Utah, and Ogden, Utah, serving all intermediate points and serving Huntsville, Utah, as an off-route point: From junction U.S. Highways 89 and 91 over U.S. Highway 89 to Ogden, and return over the same route.

(8) Between junction U.S. Highways 191 and 30S, near Tremonton, Utah, and Weiser, Idaho, serving all intermediate points in Idaho and serving Ontario, Oreg., as an intermediate point, and Adrian, Oreg., as an off-route point: From junction U.S. Highways 191 and 30S over U.S. Highway 30S to Declo, Idaho, thence over unnumbered highway across the Snake River to Rupert, Idaho, thence over Idaho Highway 25 to Paul, Idaho, thence over unnumbered highway across the Snake River to Burley, Idaho (also from Declo to Burley over U.S. Highway 30S), thence over U.S. Highway 30 via Twin Falls, Boise, Nampa, and Caldwell, Idaho, to junction U.S. Highway 20 west of Caldwell, thence over U.S. Highway 20 via Nyssa, Oreg., to junction Oregon Highway 201, thence over Oregon Highway 201 to Ontario, Oreg., thence over U.S. Highway 30 to junction U.S. Highway 30N and thence over U.S. Highway 30N to Weiser (also from Ontario over Oregon Highway 201 to the Snake River and thence across the Snake River to Weiser), and return over the same route.

(9) Between Bliss, Idaho, and Shoshone, Idaho, serving all intermediate points: From Bliss over Temporary U.S. Highway 20 to Shoshone, and return over the same route.

(10) Between Bliss, Idaho, and Paul, Idaho, serving all intermediate points: From Bliss over Idaho Highway 25 to Paul, and return over the same route.

(11) Between Gooding, Idaho, and Wendell, Idaho, serving all intermediate points: From Gooding over Idaho Highway 46 to Wendell, and return over the same route.

(12) Between Pocatello, Idaho, and Rupert, Idaho, serving all intermediate points, and the off-route point of Aberdeen, Idaho: From Pocatello over U.S. Highway 30N to junction with an unnumbered highway north of Declo, Idaho,

and thence over such unnumbered highway to Rupert and return over the same route.

(13) Between the junction of U.S. Highway 30 with U.S. Highway 93 and Shoshone, Idaho, serving all intermediate points: From said junction over U.S. Highway 93 to Shoshone, and return over the same route.

(14) Between Payette, Idaho, and Caldwell, Idaho, serving all intermediate points: From Payette over U.S. Highway 30N via Fruitland, Idaho, to junction with U.S. Highway 30, and thence over U.S. Highway 30 to Caldwell, and return over the same route.

(15) Between Fruitland, Idaho, and Caldwell, Idaho, serving all intermediate points: From Fruitland over U.S. Highway 95 via Parma, Wilder, and Homedale, Idaho, to junction Idaho Highway 72 west of Marsing, Idaho, thence over Idaho Highway 72 via Marsing, Idaho, to junction unnumbered highway, and thence over unnumbered highway to Caldwell (also from Wilder to Caldwell over Idaho Highway 19 and from Homedale to Caldwell over unnumbered highway), and return over the same route.

(16) Between Boise, Idaho, and Weiser, Idaho, serving all intermediate points: From Boise over Idaho Highway 44 to junction Idaho Highway 16 near Star, Idaho, thence over Idaho Highway 16 via Emmett, Idaho to junction Idaho Highway 52, thence over Idaho Highway 52 to Payette, Idaho, and thence over U.S. Highway 30N to Weiser, and return over the same route.

(17) Between Boise, Idaho, and McCall, Idaho, serving all intermediate points: From Boise over Idaho Highway 15 to McCall, and return over the same route.

(18) Between Weiser, Idaho, and McCall, Idaho, serving all intermediate points: From Weiser over U.S. Highway 95 to junction with Idaho Highway 15 and thence over Idaho Highway 15 to McCall, and return over the same route.

(19) Between Blackfoot, Idaho, and Mackay, Idaho, serving all intermediate points: From Blackfoot over U.S. Highway 26 to Arco, Idaho, and thence over Alternate U.S. Highway 93 to Mackay, and return over the same route.

(20) Between Salt Lake City, Utah, and St. George, Utah, serving all intermediate points and serving Milford and Hurricane, Utah and those in Salt Lake County, Utah, as off-route points: From Salt Lake City over U.S. Highway 91 to St. George, and return over the same route.

(21) Between Spanish Fork, Utah, and Kanab, Utah, serving all intermediate points and serving the off-route points of Escalante, Tropic, Springdale, Fountain Green, Moroni, and Monroe, Utah: From Spanish Fork over U.S. Highway 6 to Thistle, Utah, and thence over U.S. Highway 89 to Kanab, and return over the same route.

(22) Between junction of U.S. Highways 91 and 6 near Santaquin, Utah, and Holden, Utah, from said junction over U.S. Highway 6 to Delta, Utah, thence over Utah Highway 125 to junction Utah

Highway 26, and thence over Utah Highway 26 to Holden, and return over the same route, serving all intermediate points.

(23) Between Thistle, Utah, and Monticello, Utah, serving all intermediate points and the off-route points of Kenilworth, Sunnyside, Dragerton, Columbia, Huntington, Castle Dale, Hanksville, LaSal, and the site of the Potash mine and mill of the Texas Gulf Sulphur Co. located about 16 miles northwest of Moab, Utah: From Thistle over U.S. Highway 50 to Crescent Junction, and thence over U.S. Highway 160 to Monticello, and return over the same route.

(24) Between Salt Lake City, Utah, and Vernal, Utah, serving all intermediate points, and serving the off-route points of Park City, Kamas, Tabor, Midway, and Bonanza, Utah: From Salt Lake City over U.S. Highway 40 to Vernal, and return over the same route.

(25) Between Salt Lake City, Utah, and Ely, Nev., serving all intermediate points and the off-route points of Tooele, Bingham Canyon, and Dugway, Utah: From Salt Lake City over Alternate U.S. Highway 50 to Ely, and return over the same route.

(26) Between Salt Lake City, Utah, and Rock Springs, Wyo., serving all intermediate points in Utah and Evanston, Wyo., as an intermediate point, and serving Morgan, Utah, Kemmerer and Mountain View, Wyo., as off-route points: From Salt Lake City over U.S. Highway 40 to junction U.S. Highway 189 near Kimball Junction, Utah, thence over U.S. Highway 189 to junction U.S. Highway 30S, thence over U.S. Highway 30S to junction U.S. Highway 30, and thence over U.S. Highway 30 to Rock Springs, and return over the same route.

(27) Between Rock Springs and Jackson, Wyo., serving no intermediate points: From Rock Springs over U.S. Highway 187 to Jackson, and return over the same route.

(28) Between Rock Springs, Wyo., and Rawlins, Wyo., serving no intermediate points: From Rock Springs over U.S. Highway 30 to Rawlins, and return over the same route.

(29) Between Baker, Oreg., and Weiser, Idaho, serving no intermediate points: From Baker over U.S. Highway 30 to junction U.S. Highway 30N, and thence over U.S. Highway 30N to Weiser, and return over the same route.

(30) Between Kanab, Utah, and Flagstaff, Ariz., from Kanab over U.S. Highway 89 to Flagstaff, and return over the same route, serving no intermediate points.

No. MC 109351 (Sub-No. 5) (Republication), filed May 31, 1968, published in the FEDERAL REGISTER issue of June 21, 1968, and republished this issue. Applicant: G & E TRUCKING CO., a corporation, 1230 Taylor NE., Grand Rapids, Mich. Applicant's representative: Quentin A. Ewert, 117 West Allegan Street, Lansing, Mich. 48933. By application filed May 31, 1968, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular

routes of scrap paper and scrap corrugated paper from points within 30 miles of Chicago, Ill., except points within Chicago, Ill., and the commercial zone thereof, to the point as indicated below. An order of the Commission, Operating Rights Board, served October 23, 1968, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of scrap paper from (a) points in Cook, Du Page, Henry, Kane, Kankakee, Kendall, Lake, and Will Counties, Ill.; and (b) points in Lake and Porter Counties, Ind. (except in (a) and (b) above those points which are in the Chicago commercial zone as defined by the Commission to Childsdale, Mich., under a continuing contract with Rockford Paper Mills, Inc., of Rockford, Mich., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111397 (Sub-No. 83) (Republication), filed February 28, 1968, published in the FEDERAL REGISTER issue of March 14, 1968, and republished this issue. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: Herbert S. Melton, Jr., Box 1284, Paducah, Ky. 42001. By application filed February 28, 1968, applicant seeks a certificate authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of uranium hexafluoride, in bulk, in steel cylinders, from Metropolis, Ill.; (1) as to the title proceeding, to the Atomic Energy Commission's plantsites at Oak Ridge, Tenn., and at or near Sargents, Ohio, and empty steel cylinders, on return, and (2) as to No. MC-112617 (Sub-No. 248) to Oak Ridge, Tenn., and Sargents, Ohio, and empty steel cylinders, on return. A report of the Commission, Review Board Number 3, served October 28, 1968, finds that the present and future public convenience and necessity require operation by each applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of uranium hexafluoride, in containers, from Metropolis, Ill., to the plantsites of the Atomic Energy Commission at Oak Ridge, Tenn., and at or near Sargents, Ohio; that each applicant is fit, willing, and able properly

to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 112617 (Sub-No. 248) (Republication), filed March 26, 1968, published in the FEDERAL REGISTER issue of April 11, 1968, and republished this issue. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. 50205. Applicant's representative: L. A. Jaskiewicz, 600 Madison Building, 1155 Fifteenth Street NW., Washington, D.C. 20005. By application filed March 26, 1968, applicant seeks a certificate authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of uranium hexafluoride, in bulk, in steel cylinders, from Metropolis, Ill.; (1) as to the title proceeding, to the Atomic Energy Commission's plantsites at Oak Ridge, Tenn., and at or near Sargents, Ohio, and empty steel cylinders, on return; and (2) as to No. MC 112617 (Sub-No. 248) to Oak Ridge, Tenn., and Sargents, Ohio, and empty steel cylinders, on return. A report of the Commission, Review Board Number 3, served October 28, 1968, finds that the present and future public convenience and necessity require operation by each applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of uranium hexafluoride, in containers, from Metropolis, Ill., to the plantsites of the Atomic Energy Commission at Oak Ridge, Tenn., and at or near Sargents, Ohio; that each applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 124078 (Sub-No. 328) (Republication), filed May 2, 1968, published

FEDERAL REGISTER issue of May 16, 1968, and republished this issue. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). By application filed May 2, 1968, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of fertilizer and fertilizer materials, from Piqua, Ohio, to points in Indiana. An order of the Commission, Operating Rights Board, dated September 30, 1968, and served October 23, 1968, finds that the present and future public convenience and necessity require operation by applicant as a common carrier by motor vehicle, over irregular routes, of fertilizer and fertilizer materials, from the plantsite of Royston Co. near Piqua, Ohio, to points in Indiana; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 129973 (Republication), filed June 14, 1968, published FEDERAL REGISTER issue of June 27, 1968, and republished this issue. Applicant: FIELD MARKETING SERVICES, INC., 235 West 42d Street, New York, N.Y. 10017. Applicant's representative: Robert N. Kharasch and William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. By application filed June 14, 1968, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) cosmetics and toilet preparations, articles and sundries, and (2) premiums, equipment, and supplies used in connection with the sale of commodities described in (1) above (except commodities in bulk), from Irvington, N.J., to points in New Jersey, for the account of Avon Products, Inc., restricted to home deliveries. A report and order of the Commission, Operating Rights Board, dated October 16, 1968, and served October 28, 1968, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) cosmetics, toilet preparations, and toilet articles, and sundries; and (2) premiums, equipment, and supplies used in connection with the sale of commodities described in (1) above (except commodities in bulk), from Irvington, N.J., to

points in New Jersey, under a continuing contract with Avon Products, Inc., of Rye, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 20722 et al. (Notice of Filing of Petitions To Amend Certificates Substituting Warren, Mich., in Lieu of Warren Township, Macomb County, Mich.). Petitioners: M & G CONVOY, INC., Buffalo, N.Y., Nos. MC 20722 and MC 20722 (Sub-No. 20). FLEET CARRIER CORPORATION, Pontiac, Mich., No. MC 41136. COMMERCIAL CARRIERS, INC., Romulus, Mich., No. MC 43038 and Subs 382, 386, and 415. BAKER DRIVEAWAY COMPANY, INC., Detroit, Mich., No. MC 43683. GATE CITY TRANSPORT COMPANY, Detroit, Mich., No. MC 61623. Petitioners' representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich. 48226. By petitions filed October 3, 1968, October 7, 1968, October 14, 1968, October 3, 1968, and October 16, 1968, respectively, in the order shown above, each petitioner seeks to have its existing authority for the transportation of motor vehicles redescribed so as to substitute both Warren and Center Line, Mich., wherever petitioners present certificate authorizes service from Warren Township, Macomb County, Mich. The petitioners state that the area previously designated as Warren Township is no longer unincorporated and the major portion of this area was incorporated on January 1, 1957, into the city of Warren, Mich., while the city of Center Line lies approximately in the middle of such area and wholly surrounded by Warren. The petitioners state that no authority is sought to serve any commercial zone around these points, thus the redescription will not broaden any present authority. Accordingly, each petitioner suggests that it's authority as here pertinent be redescribed to read "from Warren and Center Line, Mich. (but not including the commercial zones thereof as defined by the Commission)." Any interested person desiring to participate, may file an original and six copies of his written representations, views or arguments in support of, or against the petition within

30 days from the date of publication in the FEDERAL REGISTER.

No. MC 113325 (Sub-No. 8). (Notice of Filing of Petition To Modify Certificate), filed September 24, 1968. Petitioner: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Petitioner's representative: Harold P. Boss, 480 Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006. Petitioner holds authority in No. MC 113325 (Sub-No. 8), to operate as a common carrier by motor vehicle, over irregular routes, in the transportation of: Acids and chemicals, dry, in bulk, in specialized tank or hopper type vehicles (including vehicles furnished by shippers), from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Missouri, Oklahoma, Pennsylvania, and Tennessee, to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission. Between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Alabama, Colorado, Florida, Georgia, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. The said certificate contains the following restrictions, among others: The service authorized herein is restricted against the transportation * * * (8) of such chemicals, dry, in bulk, as are used in the manufacture, packing, and shipping of glass, glassware, closures, paper and fiberboard boxes, rubber jar rings, zinc dry battery shells, and stripped zinc, and which originate at or are destined to the site of a glass manufacturing plant; (a) from points in Indiana, Illinois, those in Iowa within 10 miles of the Illinois-Iowa State line, those in Missouri within 10 miles of the Missouri-Illinois State line and those in Kentucky within 10 miles of the Kentucky-Ohio State line, to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone; and

(b) Between points in Ohio, the Lower Peninsula of Michigan, those in West Virginia, within 10 miles of the Ohio-West Virginia State line, those in Pennsylvania within 10 miles of the Ohio-Pennsylvania State line, and points in Alleghany, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and points including and within 10 miles of Jeannette, Schenley, and South Connellsville, Pa., on the one hand, and, on the other, points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone. The service granted herein shall not be tacked or joined for the purpose of performing a through service. By the instant petition, petitioner requests that the said certificate No. MC-113325 (Sub-No. 8) be modified (1) by elimination of the restriction "in specialized tank or hopper type vehicles (including vehicles furnished by shippers)"; (2) by deleting the territorial restriction "those in Pennsylvania within 10 miles of the Ohio-Pennsylvania State line, and points in Alleghany, Beaver, Butler, Lawrence, Mercer, and Washington Counties, Pa., and points including and within 10 miles

of Jeannette, Schenley, and South Connellsville, Pa." from where it appears in the restriction in 8(b) above set forth, and inserting the said description in the restriction in 8(a) above set forth, after the phrase "Kentucky-Ohio State line,"; and (3) by modifying the no-tacking restriction contained therein to read: The authority granted herein shall not be tacked or joined with other authority now held (as of June 30, 1961) by applicant for the purpose of performing a through service. Petitioner states that (a) the vehicle restriction employed in the said certificate serves no useful purpose, and its removal is required by the public convenience and necessity; (b) that inasmuch as the said certificate authorizes, as pertinent, operations only from points in Pennsylvania to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, the territorial restriction in 8(b) described above with respect to service between points in the said commercial zone to the described area in Pennsylvania is not wholly within the scope of operations authorized therein; and (c) that an inadvertent error was made in the wording of the no-tacking restriction imposed, which should now be corrected. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of, or against the petition, within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-10237. Authority sought for purchase by MICHIGAN TRANSPORTATION COMPANY, 3601 Wyoming Avenue, Dearborn, Mich. 48120, of a portion of the operating rights of UNITED MOTOR FREIGHT, INC., North East Street, Lansing, Mich., and for acquisition by A. F. POSNIK, S. V. POSNIK, R. A. POSNIK, DOROTHY S. DASHER, J. C. PETTELLE, and C. F. POTTELLE, all also of Dearborn, Mich., of control of such rights through the purchase. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Operating rights sought to be transferred: Fertilizer, in bulk, as a common carrier, over irregular routes, from the plantsite of Davison Chemical Co., Division of W. R. Grace and Co., located at Lansing, Mich., to points in Indiana; and fertilizer, in bags, from the plantsite of Davison Chemical Co., Division of W. R. Grace and Co., located at Lansing, Mich., to points in Indiana south of U.S. Highway 40. Vendee is authorized to operate as a common carrier in New Jersey, Virginia, West Virginia, Massachusetts,

Delaware, Maryland, Minnesota, Michigan, Illinois, Indiana, Wisconsin, Ohio, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, Tennessee, New York, Kansas, Nebraska, and Connecticut. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-10288. Authority sought for purchase by YELLOW TRANSIT FREIGHT LINES, INC., 92d at State Line Road, Kansas City, Mo. 64114, of the operating rights and property of RACE MOTOR SERVICE, INC., 13017 South California Avenue, Blue Island, Ill., and for acquisition by GEORGE E. POWELL, 801 West 64th Terrace, Kansas City, Mo., GEORGE E. POWELL, JR., 1040 West 57th Street, Kansas City, Mo., and LESTER H. BRICKMAN, 6419 Belinder, Shawnee Mission, Kans., of control of such rights and property through the purchase. Applicants' attorneys and representative: Axelrod, Goodman, and Steiner, 39 South La Salle Street, Chicago, Ill. 60603, and Ernest W. Freier, 228 North La Salle Street, Chicago, Ill. 60601. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC 120319 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of California. Vendee is authorized to operate as a common carrier in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Michigan, Ohio, and Kentucky. Application has been filed for temporary authority under section 210a(b). NOTE: MC-112713 Sub 106 is a matter directly related.

No. MC-F-10290. Authority sought for lease by BILL BILYEU, Post Office Box 948 Commercial Station, Springfield, Mo., of the operating rights and property of NORTH CENTRAL TRUCK LINES, INC., 2136 East Kearney, Springfield, Mo. 65803. Applicants' attorney: David D. Brunson, Post Office Box 671, Oklahoma City, Okla. 73101. Operating rights sought to be leased: *New and used store fixtures, and stock in trade of drug stores, as a common carrier, over irregular routes, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.* BILL BILYEU, holds no authority from this Commission. However, he is affiliated with BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale St., Springfield, Mo., which is authorized to operate as a common carrier in Kansas, Missouri, Louisiana, Alabama, Iowa, Florida, Georgia, Oklahoma, Minnesota, Arkansas, Nebraska, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, South Carolina, North Carolina, Illinois, Indiana, Kentucky, Michigan, Mississippi, Ohio, Tennessee, Texas, Wisconsin, North Dakota, South Dakota, Colorado, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-10291. Authority sought for purchase of TOSE, INC., 64 West Fourth

Street, Bridgeport, Pa. 19405, of the operating rights and property of INSTANT DELIVERY CORP., 145 Dayton Avenue, Passaic, N.J., and for acquisition by LEONARD H. TOSE, also of Bridgeport, Pa., and DESMOND J. MCTIGHE, 11 East Airy Street, Norristown, Pa. 19401, Executors of the estate of Mike Tose, deceased, of control of such rights and property through the purchase. Applicants' attorneys: Desmond J. Mctighe, 11 East Airy Street, Norristown, Pa. 19401, and Anthony C. Vance, 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Operating rights sought to be transferred: *Such merchandise as is ordinarily dealt in by retail stores, premium redemption companies, and mail-order houses, as a common carrier, over irregular routes, from Camden, N.J., to New York, N.Y., Washington, D.C., certain specified points in New York, and points in Delaware, Maryland, New Jersey and Pennsylvania, with restriction; between New York, N.Y., Washington, D.C., certain specified points in Connecticut, New York, and points in Delaware, Maryland, New Jersey, and Pennsylvania, with restrictions.* Vendee is authorized to operate as a common carrier in Pennsylvania, New York, Maryland, Delaware, New Jersey, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC-F-10289. Authority sought for merger into JEFFERSON LINES, INC., 1114 Currie Avenue, Minneapolis, Minn. 55403, of the operating rights and property of CROWN COACH COMPANY, 219 West Second Street, Joplin, Mo. 64801, and for acquisition by JEFFERSON TRANSPORTATION CO., also of Minneapolis, Minn., and GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, Ill. 60606, of control of such rights and property through the transaction. Applicants' attorney: J. G. Dail, Jr., 1815 H Street NW., Washington, D.C. 20006. Operating rights sought to be merged: *Passengers and their baggage, and express, mail, and newspapers in the same vehicle with passengers, as a common carrier, over regular routes, between Kansas City, Mo., and Little Rock, Ark., serving all intermediate and certain off-route points, between junction U.S. Highway 71 and U.S. Highway 71 Bypass and junction Missouri Highway 58 and U.S. Highway 71, serving all intermediate points, between Holmes Park, Mo., and Kansas City, Mo., serving the site of the Pratt-Whitney Plant as an intermediate point, between Harrisonville, Mo., and Clinton, Mo., serving all intermediate points and the off-route point of Urich, Mo., between Clinton, Mo., and Fort Leonard Wood, Mo., serving all intermediate points, between Lamar, Mo., and Springfield, Mo., serving all intermediate points and the off-route point of Everton, Mo., between Lanagan, Mo., and Siloam Springs, Ark., between Gravette, Ark., and Bentonville, Ark., between Fayetteville, Ark., and Ozark, Ark., between junction U.S. Highway 65 and Missouri Highway 52, and*

Clinton, Mo., serving all intermediate points, between junction U.S. Highway 65 and Missouri Highway 52, and Warsaw, Mo., serving no intermediate points; passengers and their baggage, and light express, mail, and newspapers, in the same vehicle with passengers, between Texarkana, Tex., and Fort Smith, Ark., serving all intermediate points; passengers and their baggage, and newspapers and express in the same vehicle with passengers, between Fort Smith, Ark., and Siloam Springs, Ark., serving all intermediate points, between Greenfield, Mo., and Nevada, Mo., serving certain intermediate points; and passengers and their baggage, between Little Rock, Ark., and Camp Joseph T. Robinson, Ark., serving no intermediate points. JEFFERSON LINES, INC., is authorized to operate as a common carrier in Minnesota, Missouri, and Iowa. Application has been filed for temporary authority under section 210a(b). NOTE: JEFFERSON LINES, INC., controls CROWN COACH COMPANY, through ownership of capital stock pursuant to authority granted in Docket No. MC-F-9562, consummated October 9, 1968.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13419; Filed, Nov. 5, 1968; 8:46 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 1, 1968.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. MT-2402, filed October 15, 1968. Applicant: GARY VAN BUITEN & GARY VAN BUITEN, JR., a partnership, doing business as G. VAN BUITEN & SON, Midland Hill, Box 329, Oxford, N.Y. Applicant's representative: Palmer, Hankin, Payton, and Hanifan, 117 Hawley Street, Binghamton, N.Y. 13901. Certificate of public convenience and necessity sought to operate a freight service as follows: *Transportation of Poles, crossarms, insulators and other materials for electric transmission, telephone, and telegraph lines, between all points in the territory comprised of the following counties in New*

York State; Broome, Delaware, Chenango, Cortland, Madison, Sullivan, Tioga, and Tompkins. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the New York Public Service Commission, 44 Holland Avenue, Albany, N.Y. 12208, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4470 (Sub-No. 6), filed October 22, 1968. Applicant: POTTER FREIGHT LINES, INC., Post Office Box 428, Sparta, Tenn. 38583. Applicant's representative: Clarence Evans, 1800 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, excluding used household goods and commodities in bulk, between Nashville, Tenn., via Interstate Highway 40, with this authority to be used in both interstate and intrastate commerce and to be used with all of applicant's existing authority so as to provide service between all points served by applicant and Memphis, Tenn. Both intrastate and interstate authority sought.

HEARING: Wednesday, December 11, 1968, at 9:30 a.m., Tennessee Public Service Commission Court Room, C-1 Cordell Hull Building, Nashville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, C-1 Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 4714 (Sub-No. 2), filed October 29, 1968. Applicant: HOWARD L. JORGENSEN, doing business as B & T TRUCK LINE, Brigham City, Utah. Applicant's representative: Raymond W. Gee, 400 Executive Building, Salt Lake City, Utah. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between all points and places within the area included in Brigham City, Utah, and the 25-mile radius of the boundaries thereof; provided, however, such transportation shall exclude transportation of commodities in bulk and household goods. On return movements applicant proposes to engage in the same operation. Both intrastate and interstate authority sought.

HEARING: December 11, 1968, 10 a.m., 330 East Fourth South Street, Salt Lake City, Utah. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the State of Utah Department of Business Regulation, 330 East Fourth South Street, Salt Lake City, Utah 84111.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13420; Filed, Nov. 5, 1968; 8:46 a.m.]

[Notice 725]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 1, 1968.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59317 (Sub-No. 8 TA), filed October 30, 1968. Applicant: BISOM TRUCK LINE, INC., 725 First Street North, Newton, Iowa 50208. Applicant's representative: William A. Landau, 1451 East Grand Avenue, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household food waste disposers*, in mixed shipments with household washers and driers, from Newton, Iowa, to Fargo, N. Dak., points in Minnesota, Nebraska, South Dakota, Wisconsin, and those in Illinois (except points in Adams, Bond, Brown, Calhoun, Cass, Christian, Clinton, Fayette, Fulton, Greene, Hancock, Jersey, Logan, Macoupin, Madison, Marion, Mason, McDonough, Menard, Montgomery, Morgan, Moultrie, Pike, Sangamon, Scott, Shelby, Tazewell, Washington, Champaign, Clark, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Effingham, Henderson, Henry, Jasper, Knox, Macon, Mercer, Piatt, Rock Island, Stark, Vermilion, Warren, and Whiteside Counties, Ill.), for 180 days. Supporting shipper: The Maytag Co., Newton, Iowa 50208. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 687 TA), filed October 30, 1968. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, 50309, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Indianapolis,

Ind., to points in Ohio and Kentucky, for 150 days. Supporting shipper: Chicago Fly Ash Co., 3525 West Peterson Avenue, Chicago, Ill. 60645. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 112750 (Sub-No. 262 TA), filed October 30, 1968. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Gerard L. Peace (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency) and (negotiable securities) as are used in the business of banks and banking institutions, (1) between Battle Creek, Mich., on the one hand, and, on the other, points in Ohio; (2) between Davenport, Iowa, on the one hand, and, on the other, points in Illinois, north of Highway 136, and points in Iowa (over routes in Illinois for operating convenience only); (3) between Chicago, Ill., on the one hand, and, on the other, Greenfield, Noblesville, and Fishers, Ind., for 180 days. Supporting shippers: Security National Bank of Battle Creek, Battle Creek, Mich.; Davenport Bank and Trust Co., Davenport, Iowa; Greenfield Banking Co., 10 East Main Street, Greenfield, Ind. 46140; Wainwright Bank & Trust Co., 949 Conner Street, Noblesville, Ind. 46060. Send protests to: E. N. Carignan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 28 Federal Plaza, New York, N.Y. 10007.

No. MC 116815 (Sub-No. 6 TA), filed October 30, 1968. Applicant: RONNIE WILLIAMS LTD., 756 Frances Road, Richmond, British Columbia, Canada. Applicant's representative: J. Stewart Black, 1322 Laburnum Street, Vancouver 9, British Columbia, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and, in the same vehicle with such horses, *stable supplies and equipment* used in their care and exhibition, *mascoats, and personal effects of attendants, trainers, and exhibitors*, between ports of entry on the United States-Canada boundary line at or near Blaine, Sumas, and Lynden, Wash., on the one hand, and, on the other, points in California, for 180 days. Note: Applicant intends to tack with MC-116815 (Sub-No. 4). Supporting shippers: B.C. Jockey Club, Exhibition Park, Vancouver 6, British Columbia, Canada; Jack Diamond, 105 North Commercial Drive, Vancouver 6, British Columbia, Canada; Cline Hoggard, 355 Ferguson Road, Richmond, British Columbia, Canada; Frank McMahon Stables, Inc., 1155 West Georgia Street, Vancouver 5, British Columbia, Canada; My Glory Stock Farm, 1300 Blundell Road, Richmond, British Columbia, Canada. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 117883 (Sub-No. 116 TA), filed October 28, 1968. Applicant: SUB-
LER TRANSFER, INC., East Main
Street, Post Office Box 62, Versailles,
Ohio 45380. Applicant's representative:
Edward J. Subler (same address as
above). Authority sought to operate as
a common carrier, by motor vehicle,
over irregular routes, transporting:
Meats, meat products, meat byproducts,
and articles distributed by meat pack-
inghouses (except hides and commodi-
ties in bulk tank or hopper-type vehicles)
as described in sections A and C of ap-
pendix I to the report in *Descriptions in
Motor Carrier Certificates* 61 M.C.C. 209
and 766, from the plantsite of John Mor-
rell & Co. located at Ottumwa, Iowa, to
points in Ohio, Pennsylvania, Michigan,
New York, Maryland, District of Colum-
bia, Massachusetts, Connecticut, Rhode
Island, Maine, New Hampshire, Ver-
mont, West Virginia, Virginia, New
Jersey, and Delaware, for 180 days. Sup-
porting shipper: John Morrell & Co.,
Ottumwa, Iowa. Send protests to: Emil
P. Schwab, District Supervisor, Inter-
state Commerce Commission, Bureau of
Operations, 1010 Federal Building, 550
Main Street, Cincinnati, Ohio 45202.

No. MC 133233 TA (Correction),
filed October 16, 1968, published *FEDERAL
REGISTER*, issue of October 25, 1968, and
republished as corrected this issue. Ap-
plicant: CLARENCE L. WERNER, do-
ing business as WERNER ENTER-
PRISES, 805 32d Avenue, Council Bluffs,
Iowa 51501. Applicant's representative:
Einar Viren, 904 City National Bank
Building, Omaha, Nebr. Authority
sought to operate as a contract carrier,
by motor vehicle, over irregular routes,
transporting: Lumber, lumber products,
forest products, building, construction,
and insulating materials and supplies
as defined in Ex Parte MC-45, including
but not limited to lumber, forest prod-
ucts, wood products, steel, iron, alumi-
num, copper, tin, brass, plastics, vinyls,
synthetics, clay, fiberglass, wool fibers,
asbestos, asphalt, paper, paper prod-
ucts, cement, cement products, minerals,
mineral products, mineral wool, vermic-
ulite, glass, and glass products, when
used in combinations of, compositions of,
when manufactured from, prefabricated
from, laminated or glued with or to
finished, primed, printed, painted,
stained, preserved, treated, sealed, pre-
cut, machined, made with or from any
or all of the foregoing or any combina-
tions thereof; (a) between points in
Idaho, North Dakota, South Dakota,
Nebraska, Kansas, Oklahoma, Texas,
Minnesota, Iowa, Missouri, Arkansas,
Louisiana, Wisconsin, Illinois, Missis-
sippi, Michigan, Indiana, Ohio, and Wyo-

ming; (b) from points in Louisiana,
Washington, Oregon, California, Nevada,
Idaho, Montana, Wyoming, Utah, Ari-
zona, Colorado, New Mexico, North
Dakota, South Dakota, Nebraska, Kan-
sas, Oklahoma, Texas, Minnesota, Iowa,
Missouri, Arkansas, Wisconsin, Illinois,
Mississippi, Michigan, Indiana, Ohio,
Tennessee, Alabama, Georgia, Florida,
South Carolina, North Carolina, Mary-
land, Connecticut, Massachusetts, and
Pennsylvania, to points in Idaho, Wyo-
ming, North Dakota, South Dakota, Ne-
braska, Kansas, Oklahoma, Texas, Min-
nesota, Iowa, Missouri, Arkansas, Louisi-
ana, Wisconsin, Illinois, Michigan, In-
diana, Ohio, and Mississippi; and

(c) *Supplies, equipment and displays*
owned by and moving between ware-
houses, plants and yards of William T.
Joyce Co. in Iowa, Missouri, Nebraska,
Illinois, and Louisiana, no duplicating
authority is sought, and no authority is
sought to transport between points in any
one state, for 150 days. Note: The pur-
pose of this republication is to set forth
that the above commodities will be trans-
ported in other than bulk, under con-
tinuing contract with William T. Joyce
Co., which information was inadvertently
omitted from previous publication. Sup-
porting shipper: William T. Joyce Co.,
2030 Second Avenue, Council Bluffs,
Iowa 51501. Send protests to: Keith P.
Kohrs, District Supervisor, Interstate
Commerce Commission, Bureau of Op-
erations, 705 Federal Office Building,
Omaha, Nebr. 68102.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13421; Filed, Nov. 5, 1968;
8:46 a.m.]

[Notice 241]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 1, 1968.

Synopses of orders entered pursuant to
section 212(b) of the Interstate Com-
merce Act, and rules and regulations pre-
scribed thereunder (49 CFR Part 1132),
appear below:

As provided in the Commission's gen-
eral rules of practice any interested per-
son may file a petition seeking recon-
sideration of the following numbered pro-
ceedings within 30 days from the date of
service of the order. Pursuant to section
17(8) of the Interstate Commerce Act,
the filing of such a petition will post-
pone the effective date of the order in
that proceeding pending its disposition.
The matters relied upon by petitioners

must be specified in their petitions with
particularity.

No. MC-FC-70843. By order of October
28, 1968, the Transfer Board approved
the transfer to Anthony Pallotta and
Frank Pallotta, a partnership, doing
business as Pallotta Bros., Bergenfield,
N.J., of the operating rights in permit
No. MC-127787 issued July 15, 1966, to
Michael J. Polito, doing business as
M. J. P. Trucking & Rental Service, 217
Post Avenue, Lyndhurst, N.J., 07071 au-
thorizing the transportation of foodstuffs
(other than frozen), except in bulk in
tank vehicles, between the plantsite of
B. Manischewitz Co., at Jersey City, N.J.,
and the warehouse of the same shipper at
Rutherford, N.J., on the one hand, and,
on the other, Hewlett, N.Y., under con-
tinuing contract with the B. Manischew-
itz Co., Jersey City, N.J. George A. Olsen,
69 Tonnele, Jersey City, N.J., representa-
tive for transferee.

No. MC-FC-70852. By order of Octo-
ber 28, 1968, the Transfer Board ap-
proved the transfer to Interior Motor
Freight, Inc., The Dalles, Ore., of cer-
tificate No. MC-118834, issued December
7, 1964, to Giles C. Parman, doing busi-
ness as Interior Motor Freight, Maupin,
Oreg., authorizing the transportation of
general commodities, except household
goods and petroleum products, in bulk,
in tank vehicles, between The Dalles, Ore.,
and Madras, Ore., serving all interme-
diate points, and serving off-route points
within 1 mile of certain specified high-
ways and those within 3 miles of all
towns served on the specified highway
subject to certain restrictions. John G.
McLaughlin, 624 Pacific Building, Port-
land, Ore. 97204, attorney for appli-
cants.

No. MC-FC-70862. By order of Octo-
ber 24, 1968, the Transfer Board approved
the transfer to Banks Ray, Jr., doing
business as Nashville Trucking Co., Nash-
ville, Ark., of the operating rights in
permit No. MC-127453 (Sub-No. 1) is-
sued February 21, 1966, to Louis B. Mize,
Little Rock, Ark., authorizing the trans-
portation of wooden boxes, and wooden
baskets and wooden basket covers from
the plantsite of Nashville Basket Co., at
Nashville, Ark., to points in Hidalgo,
Cameron, Dimmit, Zavala, Maverick,
Webb, Willacy, Starr, and Bexar Coun-
ties, Tex., and Colorado and Florida, re-
stricted to a continuing contract or con-
tracts with Nashville Basket Co., of
Nashville, Ark. Louis Tarlowski, 914
Pyramid Life Building, Little Rock, Ark.
72201, attorney for applicants.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 68-13422; Filed, Nov. 5, 1968;
8:47 a.m.]

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